

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP No.4011 of 2021
Date of decision: 16.08.2021

Sukhjinder singh @ Billa

...Petitioner

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Nandan Jindal, Advocate,
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

Ritu Bahri, J. (oral)

Petitioner is seeking quashing of the impugned order dated 11.03.2020 (Annexure P-1) passed by the District Magistrate, Amritsar-respondent No.3, whereby application for releasing him on regular parole has been rejected.

Upon notice, status report dated 14.08.2021, by way of affidavit of Deputy Superintendent of Police, Sub-Division, Ajnala, Amritsar-Rural, has been filed.

A perusal of the impugned order dated 11.03.2020 (Annexure P-1) shows that case of the petitioner was sent to the Senior Superintendent of Police, Amritsar and as per his enquiry report sent vide letter dated 27.02.2020, petitioner-Sukhjinder Singh @ Bila son of Harbhajan Singh was convicted in case FIR No.33 dated 18.01.2014, under Sections 365/364-A/120-B IPC and Section 25 of the Arms Act, registered at Police Station, Sector-39, Chandigarh and was sentenced to undergo life imprisonment. He was a gangster and criminal type of person. Except the above said case, a number of other criminal cases have been registered against him. It has been further observed that petitioner's wife, children, father and mother were residing abroad and his house was locked. Even, his

sisters are residing in Australia. One brother of the petitioner is residing in the village, who is already married and is residing separately from him. He is not on talking terms with the petitioner. Even, the details given in the *Panchayatnama* regarding his parole have not been found correct. It was further observed that the petitioner is threat to the state security and maintenance of public order. With these observations, his case for release on parole was not recommended.

Learned counsel for the petitioner, while referring to the details of the FIRs mentioned in para no.05 of the petition, contends that the petitioner has been acquitted in seven (07) cases and has been convicted only in two (02) cases of jail offences. Three (03) cases regarding jail offences are still pending.

Contents of para no.5 of the petition are not being disputed by the respondents in their reply dated 14.08.2021. However, it is mentioned that father (Harbhajan Singh) of the petitioner was approached by ASI Subhash Chander of Police Station, Rajasansi, Amritsar Rural and his statement dated 11.08.2021 (Annexure R1/T) was recorded, wherein it has been stated that his son Sukhjinder Singh @ Bila was confined in Central Jail, Kapurthala. He (Harbhajan Singh) met with an accident on 10.02.2021 and received many injuries on his left leg, below knee. His treatment was going on. When his son would come out on parole, he would get his operation conducted. His second son (Maninderbir Singh) works in Roadways. He did not get leave. Harbhajan Singh was getting medicine from Dr. Raj Kumar Aggarwal. Dr. Raj Kumar Aggarwal was also approached with regard to the medical condition of father of the petitioner. He issued a medical certificate (Annexure R-2) certifying that father of the petitioner had fracture of upper end of leg and he was plastered twice. He had severe osteoarthritis of his knee joint and he might need knee replacement in future.

The above said facts are against the finding given in the impugned order dated 11.03.2020 (Annexure P-1), whereby it has been observed that wife, children, father and mother of the petitioner are residing abroad. Once, statement of the father of petitioner has been placed on record as Annexure R-1, this finding is liable to be rejected. In the present case, the petitioner has been acquitted in seven (07) cases. He has been convicted

only in two (02) cases, which are of jail offences. He is facing trial in three other cases for commission of jail offences. Another ground taken for rejecting the case of petitioner is that he is a gangster and is a threat to the security of the State and maintenance of public order. On this issue, reference can be made to a judgment passed by this Court in **Baljit Singh vs. State of Punjab and others**, 2017 (2) Law Herald 1796, wherein it has been observed that an act which poses a threat to the State is to be considered as a threat affecting the security of the State. Public Order, however, is synonymous with public safety. It is something more than mere law and order. Every breach of peace does not lead to public disorder. Maintenance of public order is intended to prevent grave public disorder, which is not the same as maintenance of law and order. The latter is comparatively of a lesser gravity and in fact of local significance.

In the facts of the present case, as per the ratio of the aforesaid judgment, no case of threat is made out in case petitioner is released on parole. Moreover, as per *Panchayatnama* (Annexure P-3), the Panchayat has recommended the case of the petitioner for releasing him on parole. There is no threat perception to the public at large in case the petitioner is released on parole.

In view of the above, impugned order dated 11.03.2020 (Annexure P-1) is set aside and a direction is given to the respondents to release the petitioner on parole for a period of four weeks on furnishing of necessary bonds and sureties to the satisfaction of the District Magistrate concerned. The date of release and surrender shall be noticed by the releasing authority.

Writ petition stands allowed accordingly.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

16.08.2021
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No