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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-5984-2021

Date of Decision: July 09, 2021

Barinder Singh

.....Petitioner

Versus

UT Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashish Pal Kaushal,Advocate
for the petitioner.

Mr.J.S.Toor, APP for UT, Chandigarh.

.....

RAJESH BHARDWAJ, J. (ORAL)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Article 226/227 of the Constitution of India read with Section 3 of The Punjab Good Conduct Prisoners (Temporary Release) Act for issuance of writ in the nature of mandamus for issuing direction to respondent No.3 and to release the petitioner on parole.

Learned counsel vehemently contends that the petitioner was convicted and sentenced for ten years rigorous imprisonment under Section 6 of the POCSO Act by learned Additional Sessions Judge-cum-Special Court, Chandigarh. It is contended that the petitioner has virtually undergone 3 ½ years of sentence. He further contends that the petitioner

well. It is further contended that the impugned order by virtue of which his parole has been rejected is totally illegal and thus, not sustainable in the eyes of law as the only ground of rejection taken is his address given by him, which in itself was wrong.

On the other hand, Mr.J.S.Toor, learned APP, UT, Chandigarh, has placed on record the custody certificate, which shows that the petitioner has undergone the actual sentence of 03 years 05 months and 16 days as on date and there is no other case against him.

In the facts and circumstances, I find the impugned order unsustainable in the eyes of law and hence is set aside. The case of petitioner deserves to be re-appreciated and reconsidered by the concerned authority. The authorities may ask for local surety, if they feel it appropriate.

Hence, the petition is disposed of with a direction to the respondents-authority concerned to decide the case of the petitioner afresh within a month from the date of receipt of a certified copy of this order.

July 09, 2021
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(RAJESH BHARDWAJ)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |