

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

Criminal Writ Petition No.6798 of 2020(O&M)

Date of decision: September 24, 2021

Rajiv @ Raja

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sapan Dhir, Advocate
for the petitioner.

Mr. Karanvir Singh, AAG, Punjab.

HARINDER SINGH SIDHU, J.

The present petition has been filed seeking directions to the respondents to release the petitioner on parole for one month to enable him to get married as his marriage is stated to be fixed by his family members for 25.09.2021. The further prayer is to quash the order dated 20.07.2020 whereby application of the petitioner for release on parole has been rejected.

The petitioner was convicted and sentenced to life imprisonment by the judgment and order dated 22.01.2011 of the Ld. Additional Sessions Judge, Ludhiana in case FIR No.133 dated 12.05.2006 under Sections 364/302/380/381/404/34 IPC, Police Station Division No.5, Ludhiana. The appeal (CRA-D-445-DB-2011) of the petitioner was dismissed by this Court vide judgment dated 26.02.2015. Presently, he is lodged in Maximum Security Jail, Nabha.

It is the case of the petitioner that he has already undergone

more than 13 years of actual sentence and more than 15 years including remissions. He has not been granted parole even once. He is suffering from fits of aggression and severe depression, for which he is taking treatment. He was taken to Civil Hospital, Sangrur, Government Rajindra Medical College and Hospital, Patiala as well as Mental Hospital, Amritsar and he was examined by a Board of Doctors as well, which submitted their reports dated 30.10.2017, 17.11.2017 and 16.11.2017 before this Court in earlier petitions.

The State has filed reply in the form of affidavit of Ramandeep Singh Bhangu, PPS, Superintendent, Maximum Security Jail, Nabha. In the affidavit details of the earlier cases initiated for the release of the petitioner on parole have been mentioned.

Lastly, the petitioner had sought his release on parole for 8 weeks to meet his family. This case was initiated on 25.06.2020. The enquiry in this regard was got conducted through Commissioner Police, Ludhiana. The Commissioner submitted his report. The relevant part thereof reads thus:

“An inquiry regarding above subject has been got conducted from Addl. Deputy Commissioner of Police-1, Ludhiana and from his inquiry it is found that inmate Rajiv Kumar @ Raja s/o Sh. Ram Pal r/o H. No.1049, Mohalla Tajganj, PS Division No. 3, Ludhiana is undergoing life imprisonment in FIR No.133/06 under Sections 302/364/380/381/404/34 IPC registered at Police Station Division No.5, Ludhiana at District Jail, Nabha. There are 34 FIRs pertaining to different offences for heinous crimes registered against inmate Rajiv Kumar @ Raja and this inmate

had absconded twice from police custody and is a hardened accused. There can be danger to peace, law and order and State Security upon the temporary release (parole) of inmate Rajiv Kumar @ Raja. Therefore local police does not recommend for the same.

By agreeing with the above report, the temporary release of inmate Rajiv Kumar @ Raja s/o Sh. Ram Pal r/o H. No. 1049, Mohalla Tajganj, PS Division No. 3, Ludhiana, is not recommended.”

Based thereon the District Magistrate passed order dated 10.09.2020 rejecting the parole case of the petitioner which he has impugned in the present petition.

The details of the cases against the petitioner and the two cases in which he absconded were mentioned in the order dated 16.08.2019 of the District Magistrate, Ludhiana, whereby his earlier application seeking parole to perform his marriage had been rejected. In that order it had been mentioned that there were 23 cases of various categories registered against him, out of which in 12 cases he has been convicted. He has been facing life imprisonment in one case. The details of the 23 cases which have been registered against the petitioner are as follows:-

<i>Sr. No.</i>	<i>Cases</i>	<i>Present status</i>
<i>1</i>	<i>FIR No.63 dated 21-04-2003 U/s 379, 411 IPC PS Division No.3 Ludhiana</i>	<i>Sentenced by the Ld. Court of Ms. Palwinderjit Kaur JMJC Ludhiana on 17-10-2007</i>
<i>2</i>	<i>FIR No.68 dated 27-07-2005 U/s 307, 302, 460, 459 IPC PS Division No.3 Ludhiana</i>	<i>Acquitted by the Ld. Court of Sh. S.K. Arora ASJ Ludhiana on 08-11-2011</i>

3	<i>FIR No.48 dated 22-07-2005 U/s 307, 34 IPC, 24 A. Act PS Division No.3 Ludhiana.</i>	<i>Undergone by the Ld. Court of Madam Smt. Lakhwinder Kaur Pannu ASJ Ludhiana in year 2011.</i>
4	<i>FIR No.180 dated 25-04-2009 U/s 365, 394, 395, 120B IPC, 25 A. Act PS Sector 5 Panchkula.</i>	<i>Produce in the Ld. Court on 01-02-2010.</i>
5	<i>FIR No.39 dated 20-04-2009 U/s 382, 34 IPC PS Division No.7 Jalandhar.</i>	<i>Acquitted by the Ld. Court</i>
6	<i>FIR No.142 dated 08-04-2009 U/s 392, 25 A. Act PS Division No.6 Jalandhar.</i>	<i>Acquitted by the Ld. Court of Amardeep Singh JMIC Jalandhar on 23-05-2016.</i>
7	<i>FIR No.169 dated 06-06-2009 U/s 307, 398, 420, 467, 471 IPC, 25 A. Act PS Sadar Kurukshetra-Haryana</i>	<i>Sentenced to Life Imprisonment, Fine Rs.01 Lakh by the Ld. Court of Ms. Ranjna Ompal JMIC Kurukshetra on 08-08-2013.</i>
8	<i>FIR No.88 dated 23-04-2015 U/s 52A Prison Act PS City Sangrur.</i>	<i>Acquitted by the Ld. Court of Smt. Deepika CJM Sangrur on 12-10-2017.</i>
9	<i>FIR No.08 dated 21-01-2015 U/s 399, 402, 412, 473 IPC, 25 A. Act PS City Rajpura District Patiala.</i>	<i>Sentenced and Fine Rs.2000/- in U/s 413 IPC by the Ld. Court of Sh. Sandeep Singh Johal ASJ Patiala.</i>
10	<i>FIR No.142 dated 30-05-2015 U/s 353, 186, 506 IPC, 52 A Prison Act PS City Sangrur.</i>	<i>One year sentenced Fine Rs.500/- by the Ld. Court of Smt. Arushi Goyal JMIC Sangrur on 26-03-2018.</i>
11	<i>FIR No.28 dated 06-04-2014 U/s 399, 402, 412, 473 IPC, 25 A. Act PS Banur.</i>	<i>Produced in the Ld. Court on 11-06-2014.</i>
12	<i>FIR No.131 dated 29-07-2011 U/s 325, 34 IPC PS Kotwali Nabha</i>	<i>Sentenced to 06 Months undergone by the Ld. Court of Smt. Munisha Jain JMIC Patiala on 15-03-2012.</i>
13	<i>FIR No.150 dated 27-08-2011 U/s 323, 341, 506, 34 IPC PS Kotwali Nabha.</i>	<i>Sentenced to 06 Months undergone by the Ld. Court of Smt. Munisha Jain JMIC Patiala on 15-03-2012</i>

14	<i>FIR No.235 dated 27-05-2009 U/s 395, 397, 457, 365, 368, 342, 34 IPC PS Sector 34 Chandigarh.</i>	<i>Sentenced to 07 years, Fine Rs.2000/- by the Ld. Court of Priti Sahani JMIC Chandigarh on 16-07-2011.</i>
15	<i>FIR No.68 dated 23-04-2009 U/s 382, 34 IPC PS Dhaliwal District Gurdaspur.</i>	<i>Order to sentenced by the Ld. Court of Sh. Amit Kumar Garg JMIC Gurdaspur on 24-09-2010</i>
16	<i>FIR No.31 dated 29-01-2009 U/s 224, 225, 307, 383, 186, 34 IPC PS Sadar Bathinda</i>	<i>Sentenced on 22-08-2009</i>
17	<i>FIR No.44/14 U/s 382, 365, 411 IPC PS Sadar Khanna</i>	<i>Under consideration</i>
18	<i>FIR No.29/14 U/s 395, 392, 336, 223, 224 IPC, 25 A. Act PS More</i>	<i>Under investigation</i>
19	<i>FIR No.133 dated 12-05-2006 U/s 302, 364, 380, 381, 404, 34 IPC PS Division No.5 Ludhiana.</i>	<i>Sentenced to Life imprisonment, Fine 5000/5000/- in u/s 302 IPC and sentenced to 10/10 years, Fine Rs.2000/2000/- in u/s 364 IPC by the Ld. Court of Sh. Mohammad Gulzar ASJ, Ludhiana on 22-01-2011.</i>
20	<i>FIR No.114 dated 12-10-2017 U/s 307, 482, 34 IPC, 25 A. Act, 22-61-85 NDPS Act PS Haryana District Hoshiarpur.</i>	<i>Under consideration</i>
21	<i>FIR No.247, dated 31-07-2017 U/s 52A Prison Act PS City Sangrur.</i>	<i>Under consideration</i>
22	<i>FIR No.31 dated 29-01-2009 U/s 224, 225, 307, 353, 332, 333, 186, 34 IPC, 25 A. Act PS City Barnala.</i>	<i>Sentenced to 05 Years and Fine</i>
23	<i>FIR No.65 dated 10-04-2009 U/s 457, 380 IPC, 25 A. Act PS Model Town Ludhiana.</i>	<i>Sentenced to 05 Years undergone and sentenced One year 04 Months.</i>

It was further stated that the petitioner had fled away from

police custody 02 times. He escaped the police custody when his accomplice Jai Pal son of Bhupinder Singh resident of Ferozepur attacked the police party on 29.01.2009. In this context, a case was registered against him i.e. case No.31 dated 29.01.2009 at police station Barnala. In that case, the petitioner has been sentenced to 05 years imprisonment and fine of Rs.2000/-. After escaping from Barnala Bus stand, the petitioner broke into Ajit Gun house in District Hoshiarpur at night and stole 72 weapons from there, regarding which FIR No.65 dated 10.04.2009 U/s 457, 380 IPC and 25/54/59 Arms Act was registered at PS Model Town Hoshiarpur.

It was further stated that the petitioner once again escaped the police custody with the help of his friends in Mour Mandi District Bathinda. In this context, a case was registered at police station Mour Mandi. After his escape there are 15 more cases that have been registered against him in different police stations.

It was stated that the petitioner is a dangerous gangster. If he gets parole for marriage he would definitely make wrong use of his privilege and could run away and create law and order problem for the country and security of the nation.

The petitioner had assailed that order by filing CWP No.32160 of 2019. In that petition he had further prayed that he be granted four weeks parole to enable him to look after his old aged father.

The said writ petition was dismissed. The Court observed that there was no error in the order dated 16.08.2019. It was further observed that the petitioner does not deserve the benefit of temporary release.

Considering the facts and circumstances as also the fact that

the earlier petition filed by the petitioner for parole on the same ground of his marriage, was not accepted by this Court, the stand taken by the respondents to not release the petitioner on parole, cannot be said to be unjustified.

Hence, the petition is dismissed.

September 24, 2021

gian

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No