

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

101

**CRWP-8016-2021
Date of decision: 29.11.2021**

SATNAM SINGH @ SATTA

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present : Mr. Gurinder Singh Lalli, Advocate
for the petitioner.

Mr. A.S. Sandhu, Additional AG Punjab.

TEJINDER SINGH DHINDSA. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed assailing the order carrying an endorsement dated 17th April, 2020 (Annexure P-1) passed by the Deputy Commissioner, Gurdaspur, declining the request of the petitioner to be released on parole for a period of eight weeks, so as to meet his family members.

Petitioner is currently undergoing life sentence by virtue of conviction in FIR No.166 dated 13.12.2016 under Section 302 IPC and Sections 27, 54 and 59 of the Arms Act registered at Police Station City, Batala.

He is currently lodged in Central Jail, Gurdaspur.

We have heard counsel for the parties.

Perusal of the impugned order would reveal that the concession of parole to the petitioner has been declined on the basis that there are 23 cases registered against the petitioner. Accordingly, it has been opined that the petitioner, who is a gangster, if released on parole, may commit some heinous crime and may also jump parole.

Upon notice having been issued, a response by way of an affidavit of the Superintendent, Central Jail Gurdaspur has been placed on record.

In Para No.2 of such response, the details of 23 cases have been furnished. The same would reflect that in as many as 15 cases, the petitioner has already earned acquittal.

Inasofar as, the cases mentioned at Sr. No.9 and 10 of the case detail list i.e., FIR No.176 dated 12.12.2003 under Sections 302, 392 and 34 of the IPC and Sections 25, 54 and 59 of the Arms Act, registered at Police Station Sadar Batala and FIR No.172 dated 31.12.2003 under Sections 302 and 34 of the IPC and Sections 25, 54, 59 of the Arms Act, registered at Police Station Kathunanagal, he is shown to be convicted.

Counsel for the petitioner has furnished to us the necessary details, which would reflect that upon appeal having been preferred against the judgment of conviction, this Court has already acquitted the petitioner in the afore-noticed two FIRs.

That apart, even with regard to the other convictions reflected in the response, i.e. in FIR No.20 dated 26.03.2002 under Sections 25, 54 and

59 of the Arms Act registered at Police Station Rangar Nagal, the petitioner has already undergone the period of sentence; in FIR No.26 dated 29.03.2004 under Sections 307, 323, 34 of the IPC registered at Police Station Rangar Nangal, the petitioner has already completed his sentence on 14.08.2012; in FIR No.45 dated 11.04.2004 under Section 25, 54 and 59 of the Arms Act, registered at Police Station Kathunangal, the petitioner after conviction has been released upon having undergone the sentence period. There is one other conviction pertaining to FIR No.41 dated 09.04.2004 under Section 382 IPC registered at Police Station Kathunangal.

What clearly emerges is that the conviction of the petitioner as noticed hereinabove would not relate to any heinous crime and in any event he has already served out the sentence period in almost all the FIRs.

We find that the impugned order suffers from a non-application of mind and has been passed in a casual and mechanical fashion and without even verifying the necessary details.

Insofar as, the case in which the petitioner is serving out life sentence i.e., FIR No.166 dated 13.12.2016 under Section 302 IPC and Sections 27, 54, 59 of the Arms Act registered at Police Station City, Batala, the petitioner has already undergone a total custody period of 04 years 01 month and 26 days including the custody period as an under trial as on 24th September 2021.

In view of the reasons cited above, the instant criminal writ petition is allowed. The impugned order carrying endorsement dated 17th April 2020 (Annexure P-1) passed by Deputy Commissioner, Gurdaspur is set aside. Petitioner is held entitled to the concession of parole for a period

of eight weeks. Competent authority is directed to pass necessary orders for temporary release of the petitioner on parole for a period of eight weeks subject to his furnishing necessary surety to the satisfaction of the competent authority and undertaking to maintain peace and good behaviour during the period of parole and to also surrender in the Jail after expiry of such period.

Petition is allowed.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

29.11.2021

S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>