

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

**CRWP No.9905 of 2021
Date of Decision: 14.12.2021**

Resham Singh alias Khushki

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Deepak Aggarwal, Advocate for
Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

RITU BAHRI J. (ORAL)

The petitioner is seeking directions to the respondents to setting aside of the order dated 29.07.2021 (Annexure P-1) whereby his application for parole has been rejected. The petitioner has been convicted by the judgment dated 15.10.2020 by the Court of Additional Sessions Judge, Amritsar in FIR No.99 dated 16.09.2014 (wrongly mentioned as 16.04.2014 in the impugned order), under Sections 302, 307, 326, 324, 323, 341, 148 and 149 of IPC, 1860, P.S. Maqboolpura, District Amritsar.

On issuing notice of motion, a reply has been filed by the Assistant Commissioner of Police, East, Amritsar City on behalf of respondents No.1, 2 and 4 dated 13.12.2021. The same is taken on the record.

In the reply, the stand taken is that there is no valid ground for giving parole to the petitioner. He has sought temporary release on parole to socialize with his family members and looking after his parents. After an enquiry was conducted, it was found that there are many members in the family of the petitioner, who are taking care of his parents and during the enquiry conducted, statements of Resham Singh s/o Baljinder Singh, Surjit Kaur w/o Balwinder Singh and Dimple Singh s/o Paramjit Singh, residents of Street No.1, Maqboolpura, Amritsar, who are relatives of deceased Jagdev Singh @ Jaggu have been recorded and they have raised strong objection on release of the petitioner on parole as they apprehend that he can cause them harm and the contents of the affidavits enclosed with the parole application of the petitioner were found to be incorrect. This fact is mentioned in the reply, however, in the impugned order, there is no reference to any affidavit being found to be incorrect.

The only reason given in the impugned order is that the family members of the deceased apprehend that he will cause harm to them. This apprehension in itself cannot be made a ground to reject the case of parole of the petitioner.

As per the custody certificate of the convict dated 13.12.2021 (Annexure R-1), the petitioner has undergone 01 year, 09 months and 07 days in custody and in the other cases, he is on bail.

Since the main ground for release of the petitioner on parole is that he wants to meet his family members, the present petition is being

allowed and subject to deposing reasonable restrictions, the petitioner is ordered to be released on parole.

(RITU BAHRI)
JUDGE

(KARAMJIT SINGH)
JUDGE

December 14, 2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No