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

**CRM-W No.1457 of 2021 in/and
CRWP No.10572 of 2021
Date of Decision: 02.12.2021**

Hari Chand @ Billu

..... Petitioner

Versus

The State of U. T. Chandigarh and others

..... Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Hoshiar Singh Jaswal, Advocate
for the petitioner.

Mr. Deepinder Brar, Addl. Public Prosecutor,
for UT, Chandigarh.

RITU BAHRI J. (ORAL)

CRM-W No.1457 of 2021

Prayer in this application is for placing on record the reply on behalf of respondents No.1 to 3 along with custody certificate, i.e. Annexure R-1.

For the reasons mentioned in the application, the same is allowed. A copy of the reply filed on behalf of respondents No.1 to 3 along with custody certificate as Annexure R-1, is taken on the record.

CRWP No.10572 of 2021

Petitioner has challenged the order dated 08.09.2021 (Annexure P-6) whereby his application for release on parole has been rejected.

A perusal of this order shows that case of the petitioner for release on parole was not recommended by the District Magistrate, U.T., Chandigarh on the basis of report of Senior Superintendent of Police, Chandigarh. The ground taken is that the petitioner has been convicted for 20 years, out of which 14 years, 04 months and 20 days is still left of his conviction and if he release on parole, he can jump the parole and in this background, the parole was not recommended.

Learned counsel for the petitioner refers to the amendment made in the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 in 2018, which is reproduced as Page No.3 of the paper book where the words 06 weeks has been substituted as 08 weeks and there is the proviso that the release will not exceed 16 weeks.

As per the written reply filed by the respondents dated 30.11.2021, it is stated that the petitioner had already availed 03 paroles, 02 paroles for 04 weeks each in 2019 and 01 parole of 21 days in 2020 during the Pandemic and now the effect of corona disease was almost over and the petitioner can breach the concession of parole as two consecutive requests of petitioner for parole have been rejected.

Since it is not the case of the petitioner that he never misused the concession of parole which was granted earlier for 04 weeks twice in 2019 itself.

In the present case, as per the amended Act, the petitioner has right to be released on parole for a period of 08 weeks and it is a general ground for rejection that he is likely to misuse the concession of parole.

As per the custody certificate Annexure R-1, he has undergone 04 years and 06 months of custody, out of the total sentence of 20 years. However, he is not facing any other criminal trial.

Accordingly, the present petition is allowed and the respondents are directed to release the petitioner on parole for a period of 08 weeks.

(RITU BAHRI)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

December 02, 2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No