

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

CRWP NO.152-2021
Date of Decision: 11.01.2021

MANJINDER SINGH @ BAGGI

....PETITIONER..

Versus

STATE OF PUNJAB AND ANR.

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. Sahil Bali, Advocate
for the petitioner.

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

SANT PARKASH , J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

Instant petition has been filed under Article 226/227 of the Constitution of India directing the respondents to temporarily release the petitioner on parole for a period of 60 days for taking care of his sick ailing mother.

The petitioner was tried in FIR No.25 dated 28.03.2010, under Sections 302, 307, 148, 149 IPC (Section 326/34 IPC added later on), Police Station Nangal, Ropar, District Ropar and accordingly, he has been convicted and sentenced for life imprisonment. Against the judgment of conviction and order of sentence, petitioner filed an appeal before this Court, which is still pending admitted for final adjudication.

Learned counsel for the petitioner submits that the family

members of the petitioner are residing in village Plassi, Tehsil and Police Station Nangal, District Rupnagar. The father and one of his brothers have already died. Thus, the petitioner is left with his mother, maternal grandmother and one elder brother. His mother is a regular patient of Typhoid and remains seriously ill.

Learned counsel further submits that earlier the petitioner was granted parole in 2018 for 42 days and he abided the every condition of the parole and surrendered himself back to the jail after the completion of 42 days parole. After knowing the condition of his ailing mother, the petitioner has already requested before the jail authority to send his application for parole, but the jail authority paid no heed, but as per the version of his elder brother, the parole has been rejected by the higher authorities.

On the other hand, learned State counsel strongly opposes the submissions made by learned counsel for the petitioner and prays for dismissal of instant petition.

After having heard learned counsel for the parties and perusing the paper book, we are not inclined to extend the benefit of parole to the present petitioner. The solitary ground for seeking parole is to look after the ailing mother of the petitioner but this fact is duly mentioned in the application itself that the petitioner is having one elder brother and in our considered view, he can certainly look after his ailing mother. In the application, it has further been mentioned that it has come to the knowledge of the petitioner that his prayer for parole has been rejected by the competent authority but neither any such order has been placed

on record nor even has it been challenged before us. Otherwise also, the apprehension of the police appears to be well-founded that there is every possibility and likelihood of danger to the peace/law and order situation, if the petitioner is released on parole.

In view of the above, we do not find any merit in the instant petition and same is accordingly dismissed.

**(JASWANT SINGH)
JUDGE**

**(SANT PARKASH)
JUDGE**

11.01.2021
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whether speaking/reasoned: Yes/No
whether reportable: Yes/No