

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

114

CRWP No.281 of 2022  
Date of decision:13.01.2022

Gurmeet Singh @ Kala

... Petitioner

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Prateek Pandit, Advocate  
for the petitioner.

**SUVIR SEHGAL J.**

Heard through video conferencing.

Vide the instant petition filed under Articles 226/227 of the Constitution of India, petitioner is seeking issuance of a writ in the nature of mandamus directing the official respondents to expeditiously decide his case and to grant parole to him for a period of eight weeks.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of the respondents-State.

Counsel for the parties have been heard.

From a perusal of the record, it is apparent that the petitioner has been convicted under Sections 363, 376 of Indian Penal Code, 1860, vide judgment dated 30.07.2018 passed by the learned Additional Sessions Judge, Kapurthala, in FIR No.49 dated 31.05.2016 registered for commission of offences under Sections 363, 366-A, 376, IPC and Section 4

of Protection of Children from Sexual Offences Act, 2012 at P.S.Subhanpur, District Kapurthala and has been sentenced to rigorous imprisonment for a period of 10 years. The petitioner has filed an appeal, i.e.CRA-S-3387-SB-2018 before this Court, which is pending and an application for suspension of sentence filed by him, was withdrawn from this Court, after arguing, on 16.11.2021. The petitioner has been released on parole twice during his period of incarceration and has not been involved in any other case as pleaded by him in the petition. The petitioner has submitted an application on 21.06.2021 (Annexure P-1) in terms of the provisions of Punjab Good Conduct Prisoners (Temporary) Release Act, 1962 for release on parole which has been forwarded by the Superintendent, Central Jail, Kapurthala to the Deputy Commissioner, Kapurthala on 16.07.2021 (Annexure P-2), who has sought a report from the Superintendent of Police, Kapurthala, vide communication dated 30.07.2021 (Annexure P-3), in view of the instructions issued by the Govt. of Punjab on 08.04.2002 and judgement of the Division Bench of this Court in **CRM-M-34013-2009, Varun alias Gullu Vs. State of Haryana and others, decided on 26.04.2010**. However, no development has taken place thereafter and the matter is in a limbo.

Keeping in view the fact that the application submitted by the petitioner for release on parole is under consideration and is pending with the authorities for the last more than 06 months, this Court deems it appropriate to dispose of the petition with a direction to respondents No.2 to 4 to take a final decision thereon, if not already done so far, within a period

of four weeks from the date of intimation of the order and thereafter,  
communicate the decision to the petitioner.

(SUVIR SEHGAL)  
JUDGE

January 13, 2022

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Whether Speaking/Reasoned

Yes

Whether Reportable

Yes