

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

207

**CRWP-1072-2022
Date of decision: 03.03.2022**

MOHD GARIB

....Petitioner

Versus

STATE OF UT CHANDIGARH AND ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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

Mr. Sumit Jain, Additional Public Prosecutor, U.T. Chandigarh.

AUGUSTINE GEORGE MASIH J. (ORAL)

Prayer in this writ petition is for grant of parole for 28 days under Section 3 (1)(d) "Sufficient cause" of the Punjab Good Conduct Prisoners (Temporary Release) Act-1962. Challenge has also been made to the order dated 24.01.2022 (Annexure P-4) passed by the Inspector General of Police, U.T. Chandigarh, whereby the Competent Authority has rejected the prayer of parole made by the petitioner on the ground that the District Magistrate, Ayodhya (U.P.) had not recommended parole to him on the pretext that there is danger to law and order if the convict is released and he may indulge in some heinous crime.

Counsel for the petitioner submits that this report of the District Magistrate, Ayodhya, is merely based on apprehension without any justification and reasons having been given therein. His further assertion is that the petitioner had earlier also availed parole for 04 weeks to meet his family members in March 2021 and after availing the said parole period, he had surrendered well in time before the Jail authorities without any adverse comment from any of the authorities during that period. He, on this basis, submits that the order dated 24.01.2022 (Annexure P-4) deserves to be set aside and the petitioner is entitled to the grant of parole for 04 weeks to meet his family members.

Counsel for the Union Territory, Chandigarh asserts that the Competent Authority had to rely upon the report of the District Magistrate, Ayodhya and therefore, accepting the said report, had proceeded to pass the order on 24.01.2022 (Annexure P-4). He, however, could not refer to any material apart from the report of the District Magistrate, Ayodhya to contend that the reason for coming to such a conclusion, as has been recorded above, contains some material for substantiating such conclusion. He has also very fairly admitted that in the month of March 2021, the petitioner had availed parole for 04 weeks without any complaint against him.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the impugned order dated 24.01.2022 passed by the Inspector General of Prisons although based upon the recommendation of the District Magistrate, Ayodhya, where the conclusion and the observations are based upon no evidence, cannot sustain and therefore, the same stand set aside specially in the light of the fact that earlier also, petitioner had availed parole without any delay in surrender.

The present writ petition is allowed. Impugned order dated 24.01.2022 is hereby set aside. The Petitioner is directed to be released on parole for 04 weeks as per the provisions of law.

(AUGUSTINE GEORGE MASIH)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

MARCH 03, 2022

Vishal sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*