

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

**Criminal Writ Petition No. 2072 of 2022
Date of Decision: 05.04.2022**

Rakesh Kumar @ Boxer

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Ms. Bhupinder Pal Kaur Brar, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. Reply to the petition on an affidavit, sworn on 04.04.2022, by Sh. Iqbal Singh Brar, Superintendent District Jail, Sri Muktsar Sahib, has been filed in Court today, and, is taken on record. A copy of the same be furnished to the learned counsel for petitioner.

2. Registry to place the same at an appropriate place in the paper-book, and, paginate accordingly.

3. The petitioner is a life convict. During the phase of his suffering incarceration, he moved an application, before the competent authority, seeking therein the benefit of parole, being granted to him. However, the Deputy Commissioner, Ludhiana, who is revealed in the notification appended with the reply, furnished to the petition, on affidavit, rather to be the competent authority, for deciding the application(s), as, made by life convict(s), seeking therein the facility of parole, as contemplated in a statute nomenclatured as Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, rather made a declining order, upon, the

above petitioner. The apposite order of dismissal of the petitioner's

application becomes challenged in the instant petition.

4. The initial address, as, made before this Court by the learned counsel, for the petitioner that, the Deputy Commisisoner, Ludhiana, was not competent to pass the afore orders, is bereft of vigour, in the face of the notification, appended with the reply furnished to the petition. However, prima facie, the reason which has been assigned in the impugned order, for denying the claimed facility, to him is comprised in the factum of the authority pronouncing Annexure P-1, assigning deference to the report of the local police, wherein it became echoed, that in view of the ongoing election process, there is every likelihood of the present petitioner, creating a law and order problem, and, also his endangering state security.

5. Since, the afore ground may have stood good only when the elections to the Punjab State Assembly was still in progress, however, the above ground may not now stand good, as, the elections to the State Legislative Assembly concerned, rather stand completed.

6. Be that as it may, the impugned order does not stand judicial scrutiny, and, is amenable for being quashed and set aside.

7. However, for ensuring that the present petitioner, does not, abuse the facility of parole, as becomes granted to him, thereupon, it is directed that he shall furnish personal and surety bonds in the sum of Rs. 1 lakh each, to the satisfaction of the Superintendent of Jail concerned, with an undertaking therein, that he shall after elapse of 14 days, from his making the afore compliance(s), before the authority concerned, hence make his re-entry into the prison concerned. In case he breaches the afore undertaking, thereupon, it is open to the Law Enforcing Agency, to initiate coercive

processes against the petitioner for ensuring that he is retrieved to the prison concerned.

8. Disposed of.

April 05, 2022
'dk kamra'

(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>