

217

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

CRWP-2883-2021

Date of decision:13.05.2022

GURINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

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

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner is convicted for 10 years, in respect of trial which opened in respect of FIR No.212 of 31.08.1994, registered at Police Station Jagraon, District Ludhiana.

2. The above made conviction, and, consequent therewith sentence became appealed by the convict before this Court, but it is stated at the bar, that the above appeal has been dismissed by this Court. He further submits, that no appeal against the verdict of dismissal, as made by this Court, upon the present petitioner's appeal, has been preferred before the Hon'ble Apex Court. Therefore, the judgment of conviction, and, consequent therewith sentence of 10 years, as made by the learned trial Judge, in respect of FIR above, has acquired binding, and, conclusive effect.

3. The present petitioner did not ask for his being, in accordance with the relevant policy, being pre-maturely released from prison, however he asked for his being granted parole for a period extending upto 8 weeks, for enabling him to meet his family members. However, the above application resulted it in a dis-affirmative order, as carried in impugned

Annexure P-1, becoming made thereons. The petitioner becomes aggrieved, and, is led to challenge Annexure P-1.

4. The reason as prevailed, upon the authorities concerned, to make Annexure P-1, is rested upon the reason, that since the earlier granted parole to the petitioner, became abused by him inasmuch as, his after his being released on parole his making absconsions, thereupon, there being every likelihood of his again abusing the facility of parole, as becomes asked for, by him.

5. Though, the above made reason may be sustainable, but yet the learned counsel for the petitioner his stated at the bar, that the petitioner is ready, and, is willing to furnish personal as well as surety bonds in a sum of Rs.10 lacs each, thereupon while accepting the afore submission, this Court also construes, that the imposition of the afore condition upon the petitioner, may act, as a sufficient deterrent, upon the petitioner to refrain him, from his abusing the parole, as has been asked for, by him.

6. It is only in view of the afore made condition, upon the petitioner, that this Court is constrained to interfere with the impugned order, as the above submission was never made before the competent authority concerned, nor become obviously considered nor became accepted.

7. Therefore, the instant petition is allowed, and, the petitioner is ordered to be released from prison, for a period of 8 weeks but subject to his furnishing personal, and, surety bonds in a sum of Rs.10 lacs, to the satisfaction of the District Magistrate concerned, with a further undertaking therein, that he will immediately after expiry of 8 weeks from the date when he is being released from prison, rather shall make his entry in the jail.

Moreover, with a further undertaking that, upon his breaching the afore condition, the Superintendent of the Police District concerned, shall forthwith arrest him, and, shall thereafter ensure his being forthwith put into the prison concerned. Further it is also clarified that in case there is any jumping of the parole by the petitioner, thereupon, it may work as an impediment against him for his claiming any pre-mature release in respect of other FIRs in respect whereof, trial has not been culminated, and/or, also may work as an obstacle against his claiming pre-mature release in respect of the instant FIR.

8. Dasti copy.

13.05.2022

Ithlesh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No