

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-3883-2021 (O/M)
Date of decision : 2.3.2022

Abhijeet Singh alias Ankur Lihari Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Nandan Jindal, Advocate
for petitioner.

Mr. B.S. Sewak, Additional A.G. Punjab.

-. -

-. -

HARINDER SINGH SIDHU, J.

Petitioner has filed this petition for quashing the order dated 18.12.2020 (Annexure P-3) passed by District Magistrate, Amritsar whereby his case for release on parole under Section 3 (1) (c) (d) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 has been rejected. It is further prayed that respondents be directed to release the petitioner on parole for 8 weeks.

The petitioner was convicted in case FIR No. 25 dated 15.1.2010 under Sections 302, 307, 148, 149 IPC and under Sections 25, 27 of Arms Act, 1959 Police Station Civil Lines, Amritsar vide judgment dated 22.2.2014 of Additional Sessions Judge, Amritsar and sentenced to undergo life imprisonment. He filed CRA-D-564-DB-2014 which was dismissed on 28.5.2019.

By now the petitioner has undergone 11 years of actual sentence and more than 14 years including remissions. During this period, the petitioner had been released on parole 6 times. Each time after completing the parole period, he returned to the jail. No offence was committed by him during the parole period.

The petitioner applied for parole in October 2020 to enable him to meet his family members. His case has been rejected vide the impugned order.

While rejecting the case of petitioner, reliance has been placed on the report of Senior Superintendent of Police, Amritsar Rural wherein it was mentioned that 33 FIRs had been registered against the petitioner in different police stations. It was stated that the petitioner is habitual of committing crime again and again. He is a leader of Likhari gang. If he is released on parole he could commit some crime with the connivance of other members of his gang and cause harm to the maintenance of public order. It was also stated that there is danger to the security of State if the petitioner is released on parole.

Sh. Nandan Jindal, Learned counsel for petitioner has argued that the ground for denial of parole is wholly un-sustainable. No doubt there are many cases registered against petitioner but he has been acquitted in most of them. He has been convicted in only two cases including the present one. He further states that the petitioner had been earlier released on parole on six different occasions. Each time he surrendered before the jail authorities on expiry of the parole period. This itself indicates that the apprehensions expressed in the report of Senior Superintendent of Police, Amritsar Rural about the dangers to public order or security of the State consequent on his release are wholly misconceived. He further argued that there is no material relied on in the report to substantiate that the release of petitioner would be a threat to the maintenance of public order.

Learned counsel for petitioner has placed on record report of Nanda Multi Speciality Hospital, Amritsar (Annexure P-4) as per which father of petitioner was admitted in hospital on 10.8.2021 with complaint of breathlessness and other ailments. He was discharged on 17.8.2021 with the recommendation that he needs oxygen support for his life time. It is stated that thereafter, his father had to be again admitted in hospital and remained in ICU where his condition is critical. Photographs (Annexure P-6) have also been annexed.

In the reply filed on behalf of the State, it has been stated that petitioner had availed of six paroles peacefully. However, when he was released on 6 weeks parole on 9.2.2015 and he was due to surrender in jail on 24.3.2015, he was re-arrested in case FIR No. 80 dated 2.3.2015 under Sections 399, 402 IPC and Sections 25, 27 of Arms Act, 1959, Police Station Civil Lines, Amritsar. He was admitted back in Central Jail on 4.3.2015. Presently, he is on bail in that case. The details of the cases registered against petitioner have also been furnished in the reply. As per the details, he has been acquitted in 16 cases. He has been convicted in two cases including the present one. The other case being FIR No. 63 dated 14.2.2012 under Sections 160, 186, 506 IPC Police Station Civil Lines, Amritsar. In 4 cases he is on bail. Regarding the 11 remaining cases, it is stated that either his name is not in the FIR or that FIR has been inadvertently mentioned in the list of cases.

Having heard the learned counsel for parties and taking into account the fact that during the years 2014 to 2019 petitioner had availed of parole six times peacefully and surrendered back in time the ground for rejection of parole does not appear to be justified.

In view thereof, this petition is allowed. The order dated 18.12.2020 (Annexure P-3) of District Magistrate, Amritsar rejecting the case of petitioner for release on parole is set aside. The petitioner is directed to be released on parole for a period of 4 weeks from the date of his release as per the rules on his furnishing surety and the conditions as may be imposed by District Magistrate/Duty Magistrate concerned. He shall surrender before the jail authorities on expiry of the parole period.

(HARINDER SINGH SIDHU)
JUDGE

2.3.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No