

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

212

CRWP-3771-2022

Date of Decision: 05.12.2022

Satnam Singh @ Sattu

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

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

Ms. Ishma Randhawa, Addl. AG, Punjab.

RITU BAHRI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India for setting aside/quashing the impugned order dated 12.01.2022 (Annexure P-1) passed by respondent No.3 rejecting the parole case of the petitioner. Further prayer has also been made for issuance of directions to the respondents to release the petitioner for eight weeks parole, to meet his family members and to settle household affairs.

Briefly stated, the petitioner was held guilty and convicted in case bearing FIR No.82 dated 06.07.2019 registered under Sections 376(2) (j), 376(3), 452 IPC and Section 6 POCSO Act at Police Station Moonak, District Sangrur.

Learned counsel for the petitioner has submitted that the petitioner is in custody for 03 years, 04 months and 23 days. His conduct

has remained good throughout. He has not been able to be in touch with his family members. The findings as given by respondent No.3 thereby dismissing his prayer for parole are violative of Articles 14 and 21 of the Constitution of India and are contrary to the intents and purpose of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. Hence, it is urged that the petition be allowed.

Reply on behalf of respondents No.1, 2 & 4 has been filed and the same is taken on record.

Learned State counsel is opposing the parole on the ground that the petitioner has been convicted under the POCSO Act and the victim's family is staying in the same village Moonak and while passing the order (Annexure R-II) it has been observed that there is apprehension that the petitioner can quarrel with the family members of the victim and state security will be in danger.

As per the custody certificate (Annexure R-I), the petitioner, in the present case, has been in custody for 03 years, 04 months and 23 days. The main ground for being released on parole is to meet his family members.

We have considered the respective submissions of the counsel for the parties.

The apprehension expressed by the respondents that if the concession of the parole is granted to the petitioner, then there would be apprehension that the state security would be in danger and of petitioner's quarrelling with the family members of the victim, is not substantiated by any material. As such, the prayer of the petitioner for release on parole to meet his family members is justified.

Accordingly, the petition is allowed. The impugned order dated 12.01.2022 (Annexure P-1) passed by respondent No.3 is set aside. The petitioner is ordered to be released on parole for a period of six weeks subject to his furnishing personal/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate. It is being observed that the petitioner will not approach and get in touch with any family member of the victim or complainant and if he does so, his order for release on parole shall be withdrawn immediately.

It is needless to mention that the concerned Chief Judicial Magistrate/Duty Magistrate shall impose necessary conditions in his/her order for releasing the petitioner on parole for securing the presence of the petitioner after completion of parole period and breach of any condition imposed, would lead to immediate cancellation of the release order.

The date and time for release and surrender will be noted by the jail authorities.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

05.12.2022

manju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No