

CRWP No. 7053-2021

Date of Decision: 06.01.2022

Sukhjinder Singh @ Sukhi

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sanjeev Sharma, Advocate, for the petitioner.
Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 226/227 of the Constitution of India, seeking a direction to the respondents for grant of 'eight weeks parole' to the petitioner, to meet his family members, in terms of the provisions of Section 3 (1) (d) of the Punjab Good Conduct of Prisoners (Temporary Release) Act, 1962.

The reply filed on behalf of the respondent-State, dated 09.12.2021, is ordered to be taken on record.

As per the said reply, though the petitioner had surrendered in time after he had been released on parole pursuant to an order passed by this court in CRWP No. 5291 of 2020 (such parole having been granted to him for the period 01.10.2020 to 29.10.2020), however, during that period, on 06.10.2020, FIR No. 104 was registered at Police Station, Sadar Banga, District Shaheed Bhagat Singh Nagar, alleging therein the commission of offences punishable under the provisions of Sections 177/229-A/205 of the IPC.

Hence, eventually it has been stated in the reply that the petitioner does not deserve to be granted the concession of parole.

Learned counsel for the petitioner, on the other hand, submits that

even a perusal of the said FIR (copy Annexure P-2 with the petition), shows that it pertains to an alleged occurrence of the year 2011, i.e. 09 years before the FIR was registered, the allegation against the petitioner being that the motor cycle being used by one Hardeep Singh to allegedly transport some contraband, belonged to the petitioner (though the petitioner was not riding the motor-cycle at that point).

He further submits that the petitioner has been admitted to bail in the context of that FIR.

Though otherwise I would be very circumspect in directing that the petitioner be granted parole in view of the fact that there are stated to be 04 FIRs registered against him, with 03 of them alleging therein the commission of an offence punishable under the provisions of Section 307 of the IPC, however, simply looking at the fact that even last year he was ordered to be released on parole by this court for a period of about 04 weeks and he surrendered within time, registration of an FIR during that period for an occurrence that allegedly took place in the year 2011, would not, to my mind, come in the way of him being granted parole for a short period.

Consequently, the petition is allowed to the extent that subject to the petitioner maintaining good conduct, he is ordered to be released on parole upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate concerned, for a period of four weeks, w.e.f. 15.01.2022 till 13.02.2022; i.e. he would surrender before the jail authorities by 05:00 p.m. on 13.02.2022.

January 06, 2022
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.