

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-7563-2021 (O&M)
Date of decision: 10.01.2022

Miraj Rehmani @ Miraj

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of directions to the official respondents to release the petitioner on parole of 08 weeks for taking care of his family, as there is no male member in his family.

Learned counsel for the petitioner submits that application of the petitioner for grant of parole was duly forwarded by the Superintendent, Central Jail, Kapurthala to the District Magistrate, Nuh. Thereafter, the District Magistrate, Nuh sought report from the Superintendent of Police, Nuh and after verifying the facts, the Superintendent of Police, Nuh submitted the report, in which it is stated that the petitioner is permanent resident of House No.333, Saini Enclave, Mohan Garden, Uttam Nagar, New Delhi and is undergoing 10

years sentence in an FIR registered under NDPS Act and even relation of petitioner with Umerdin son of Babu Khan, resident of Village Basdalla, Police Station Punhana, District Nuh has been verified. On verification of the previous criminal record of the petitioner, it is found that he is not involved in any other case, however, it was recommended that there is a possibility that if the petitioner is released on parole, he may not return back to bail and accordingly, relying upon the said report, vide order dated 09.07.2021 (Annexure P-2), request of the petitioner to release him on parole was declined.

Reply by way of affidavit of Superintendent, Central Jail, Kapurthala on behalf of respondents No.1, 4 & 6 is on record, in which it is stated that prayer was declined only on the ground that the Superintendent of Police, Nuh, despite verifying the facts from relation of the petitioner, shown an assumption that there is a possibility that if the petitioner is released on parole, he may not return back to jail.

After hearing learned counsel for the parties, I find merit in the present petition.

It is admitted case of the parties that the petitioner is not involved in any other case, as the case for releasing him on parole was duly recommended by the Superintendent, Central Jail, Kapurthala to the District Magistrate, Nuh.

A perusal of the order dated 09.07.2021 (Annexure P-2) would show that the petitioner is permanent resident of abovesaid address and even his relation has verified this fact and therefore, the order dated 09.07.2021, declining the application to release him on parole, is liable to be set aside.

In view of the above, this petition is allowed and the order dated 09.07.2021 (Annexure P-2) is set aside. The petitioner is directed to be released on parole for a period of 08 weeks from the date of his release subject to furnishing requisite surety bonds to the concerned District Magistrate.

Disposed of, accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

10.01.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No