

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRWP No.6634 of 2022
Date of decision:20.07.2022

Sandeep Singh @ Golu

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harjinder Singh, Advocate and
Mr. Paras Khindri, Advocate
for the petitioner.

SUVIR SEHGAL, J. (Oral)

By way of instant writ petition filed under Article 226 of the Constitution of India, the petitioner has approached this Court seeking issuance of a writ in the nature of mandamus for directing the respondents to release him on parole for a period of 08 weeks under Section 3(2)(b) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short “1962 Act”).

Counsel for the petitioner submits that the petitioner has been convicted and sentenced for a period of 10 years, in FIR No.308 dated 13.09.2017 registered under Sections 363, 366-A, 376 of Indian Penal Code, 1860 and Sections 3, 4 of Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”) at Police Station Sadar,

Nakodar, District Jalandhar. Counsel submits that judgment of conviction and order of sentence are under challenge in CRA-S-1006 of 2021, which is pending. He submits that the petitioner has submitted an application (Annexure P-1), which has been forwarded by the Superintendent, Central Jail, Kapurthala, vide letter dated 28.06.2021 (Annexure P-2) for his temporary release on parole in terms of the provisions of 1962 Act. Counsel submits that despite reminders, Annexures P-3 and P-4, application submitted by the petitioner is pending.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab accepts notice on behalf of the respondents-State.

Having heard counsel for the parties, this Court is of the view that application seeking temporary release submitted by the petitioner cannot be kept in limbo and a final decision deserves to be taken thereon. Since application is pending before the authorities for the last one year, petition is disposed of with a direction to respondent No.3-District Magistrate, Jalandhar to take a final decision on the application (Annexure P-1), if not done so far, within a period of four weeks from the date of receipt of a certified copy of this order.

July 20, 2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No