

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
212**

CRWP-7331-2022

Date of decision: 15.11.2022

MOHD. GARIB

.....PETITIONER

Versus

THE STATE OF U.T. CHANDIGARH AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Hoshiar Singh Jaswal, Advocate,
for the petitioner.

Mr. Sumit Jain, Addl. P.P., for
for the U.T. Chandigarh.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 15.07.2022 (Annexure P-4) passed by the Inspector General of Prisons, U.T. Chandigarh-respondent No. 1, whereby request for grant of parole for a period of 28 days has been rejected in the light of the report received from the Senior Superintendent of Police, Ayodhya (U.P.), wherein it has been stated as follows:-

“ The District Magistrate, Ayodhya, U.P. has not recommended the 28 days parole of the convict Mohd. Garib s/o Idris on the basis of the report of the Senior Superintendent of Police, Ayodhya, U.P., who revealed that there is danger to the law & order if the convict is released on parole. Convict

can again involve in criminal activity, if the convict is released on parole. He further revealed in his report that the conduct of the convict was not satisfactory during his last parole.”

Counsel for the petitioner has contended that no reason whatsoever has been assigned which would reveal that there is danger to the law and order, in case the petitioner is released on parole. Involvement of the petitioner in criminal activities has also not been detailed nor has it been mentioned that there has been any other case registered against him. As regards the aspect of his conduct being not satisfactory during the period when he availed the last parole, no details have been mentioned.

Counsel for the U.T. Chandigarh is unable to give the details in this regard as he contends that the decision, which has been taken by the Inspector General of Police, is dependent upon the report which was received from the Senior Superintendent of Police, Ayodhya (U.P.) as well as the District Magistrate, Ayodhya (U.P.).

Counsel for the petitioner submits that the petitioner has earlier availed parole twice and there has been no untoward incident during the said period.

Counsel for the U.T. could not dispute the factual aspect with regard to the petitioner having availed of the parole on two earlier occasions. However, he contends that he has not been able to file a written statement with regard to his mis-conduct being satisfactory at Ayodhya at his native place during the parole. He, however, could not dispute the fact that there has been no specific information with regard to his mis-conduct during the said period.

Having considered the submissions made by the counsel for the

parties and keeping in view the fact that there is no evidence substantiating the assertions and the conclusion, as has been drawn by the District Magistrate, Ayodhya (U.P.) as well as the Senior Superintendent of Police, Ayodhya (U.P.), which has been made the basis for rejection of the claim put forth by the petitioner for grant of parole, the decision being based upon no evidence, the impugned order dated 15.07.2022 (Annexure P-4) passed by the Inspector General of Prisons, U.T. Chandigarh-respondent No. 1 cannot sustain and, therefore, is set aside.

Petitioner is directed to be released on parole for a period of 28 days on he having completed the formalities, as required under the statute.

(AUGUSTINE GEORGE MASIH)
JUDGE

15.11.2022
PJ

(VIKRAM AGGARWAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>