

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

210

CRWP-9016-2021

Date of decision : 22.03.2022

Jagdish Singh @ Jagga

Petitioner

V/S

State of Punjab and others

Respondents

**CORAM : HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Sunil Kumar Kamboj, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. AG, Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Articles 226/227 of the Constitution of India for quashing of order dated 11.06.2020 (Annexure P-2) passed by respondent No.2-District Magistrate, Amritsar, whereby the request of the petitioner for grant of parole has been rejected.

Briefly stated, the petition has been filed on the grounds that the petitioner was convicted by learned Additional Sessions Judge, Amritsar under Sections 392, 307 and 302 read with Section 34 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for life till natural death and to pay fine of Rs.20,000/-. The petitioner has filed criminal appeal CRA-D-2181-DB-2018 which is lying pending in this Court. The petitioner approached the respondent No.2 for emergency parole to meet and look after his family. The

request of the petitioner was dismissed by respondent No.2 vide impugned order dated 11.06.2020. Aggrieved against the said order the petitioner has filed the present petition.

Learned Counsel for the petitioner has contended that the petitioner is in jail for the last about 06 years and his conduct has been good throughout. The petitioner is not involved in any other case. In view of the provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the petitioner is entitled to temporary release on parole on the ground of serious illness of his old age mother as he is the only bread earner of the family.

On the other hand, learned State counsel has opposed the petition by way of reply filed in the Court which is taken on record. Learned counsel for the State submits that if parole is granted to the petitioner, he can disturb the State security and maintenance of public order.

We have heard learned counsel for the parties.

The only reason given by the State is that the release of the petitioner on parole could be a dangerous to the State security and maintenance of public order. This apprehension in itself cannot be made a ground to reject the parole of the petitioner.

Moreover, Section 3(1)(aa) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 permits temporary release of a prisoner on parole on the ground of serious illness of husband or wife or son or daughter or father or mother or brother or sister or grandfather or grand-mother or grandson or grand-daughter or father-in-law or mother-in-law of the prisoner. In ***Kulwant Singh VS. State of***

Punjab (PHHC): 1987(2) CurLJ (CCR) 438 parole was allowed on the ground of serious illness of mother.

In view of the above, the present petition is allowed. The impugned order dated 11.06.2020 passed by the District Magistrate, Amritsar is set aside. The respondents are directed to release the petitioner-Jagdish Singh @ Jagga on parole subject to imposing reasonable restrictions, if any.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

22.03.2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No