

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

(PROCEEDINGS THROUGH V.C.)

208

CRWP-10158-2021

Date of decision : 03.03.2022

Malkiat Singh @ Kala

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 Agnihotri, 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 Article 226 of the Constitution of India read with Section 3(1) (a, b, c, d) of the Punjab Good Conduct Prisoner (Temporary Relief) Act, 1962 for releasing the petitioner on 08 weeks parole.

Briefly stated, the petition has been filed on the grounds that the petitioner was convicted on 09.12.2020 in case FIR No.171 dated 20.11.2015 registered under Sections 302, 397, 201 read with Section 34 of the Indian Penal Code, 1860 at Police Station Sadar Hoshiarpur, District Hoshiarpur and sentenced to undergo rigorous imprisonment for life. The petitioner has filed criminal appeal CRA-D-24-2021 in this Court which is lying admitted. The petitioner approached the respondent No.2 for 08 weeks parole to perform domestic work. The request of the petitioner was rejected by respondent No.2 vide order dated 20.09.2011. Aggrieved against the said order the petitioner has filed the present petition.

Learned Counsel for the petitioner has contended that in view of the provisions of Section 3(1)(a, b, c, d) of the Punjab Good

Conduct Prisoners (Temporary Release) Act, 1962, the petitioner is entitled to temporary release on parole to perform domestic work.

On the other hand, learned State counsel has opposed the petition by way of reply dated 02.03.2022 filed in the Court today which is taken on record. As per reply filed by the State the petitioner is also involved in 02 other cases. Out of which in 01 case he has been convicted to undergo RI for 10 years and in 01 case he is already on bail. Learned counsel for the State submits that if parole is granted to the petitioner, he can disturb the peace of society.

We have heard learned counsel for the parties.

The only reason given by the State is that if parole is granted to the petitioner, he can disturb the peace of society. This apprehension in itself cannot be made a ground to reject the parole of the petitioner.

Moreover, Section 3(1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 permits temporary release of a prisoner on parole for any other sufficient cause.

In view of the above, the present petition is allowed. The impugned order dated 20.09.2021 passed by the District Magistrate, Kapurthala is set aside. The respondents are directed to release the petitioner on parole subject to depositing reasonable restrictions.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

03.03.2022
kothiyal

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