

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

THROUGH VIDEO CONFERENCING

CRWP-10316-2021

Date of Decision: 24.1.2022

Mandeep Singh @ Gifty

....Petitioner

VERSUS

U.T., Chandigarh and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ashish Pal Kaushal, Advocate, for the petitioner.
Mr. D.P. Singh, Addl. PP, UT Chandigarh.

KARAMJIT SINGH, J. (Oral)

The petitioner has filed the present criminal writ petition seeking directions to the respondents to release the petitioner on parole for 28 days, to meet his family.

On notice, the reply was filed on behalf of the State by way of affidavit of Pradhuman Singh, HCS, Superintendent, Model Jail, Chandigarh, as per which, the case of the petitioner regarding his release on parole was considered and declined by Inspector General of Police (Prisons), UT, Chandigarh vide order dated 22.5.2021 on the ground that Superintendent of Police did not recommend release of the convict on parole on the ground that he is a habitual criminal and if released on parole, the petitioner could again commit the crime.

Counsel for the petitioner has contended that prayer of the petitioner for grant of parole was wrongly declined by Inspector General of Police (Prisons), UT Chandigarh on the basis of recommendations made by the local police authorities. It is further contended that even if the petitioner

is facing number of criminal cases, that does not mean that if released, he will repeat the same crime. Counsel for the petitioner further contended that the impugned order is liable to be set aside.

Counsel for the State while supporting the impugned order contended that the petitioner is a habitual offender and is facing number of criminal cases and there is apprehension in the mind of the local police officials that in case of release, the petitioner will commit the crime.

I have considered the submissions made by the counsel for the parties.

The prayer of the petitioner for grant of parole was rejected by the concerned authority by stating that if released on parole, the petitioner can again commit the crime. The concerned authority failed to clarify as to how it came to such conclusion except for the fact that the petitioner is already facing other criminal cases. It is well settled proposition that every executive decision has to be well reasoned. The same cannot be based on mere assumptions.

In view of the above, order dated 22.5.2021 passed by Inspector General of Police (Prisons), UT, Chandigarh being non-speaking is hereby set aside. A direction is hereby issued to Inspector General of Police (Prisons), UT Chandigarh to reconsider the prayer of the petitioner for grant of parole and pass appropriate speaking order afresh within a period of 15 days from the date of receipt of a certified copy of this order and the decision taken thereon be conveyed to the petitioner.

January 24, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No