

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

THROUGH VIDEO CONFERENCING

CRWP-10202-2020 (O&M)

Date of Decision: 11.2.2022

Haider Ali

....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rakesh Kumar, Advocate,
for the petitioner.

Mr. B.S.Sewak, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

The petitioner has filed the present criminal writ petition seeking quashing of order dated 2.9.2020 (Annexure P-4) passed by respondent No.3 whereby the prayer of the petitioner for grant of three weeks parole was declined.

On notice, the reply was filed on behalf of the State by way of affidavit of Hemant Sharma, Additional Superintendent Jail, Kapurthala, as per which, the case of the petitioner regarding his release on parole was considered and declined by District Magistrate, Kapurthala on the ground that Senior Superintendent of Police, Kapurthala did not recommend release of the convict on parole on the ground that he was having criminal history and if released, peace and harmony in the area would be disturbed.

Counsel for the petitioner contended that prayer of the

on the basis of recommendations made by SSP, Kapurthala which were based on conjectures and surmises. The concerned authority based its decision just by taking into consideration the fact that the petitioner was involved in some other criminal cases also.

Counsel for the State while supporting the impugned order contended that there was apprehension in the mind of the local police authorities that in case the petitioner is released, he would try to disturb the peace in the local area. There was also apprehension that the petitioner would involve in criminal activities after his release on parole.

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

From the perusal of the record, it appears that the concession of parole was declined to the petitioner just on the ground that he was also involved in some other criminal cases. Counsel for the petitioner submitted that at present, no other criminal case is pending against the petitioner and he has sought parole to meet his family members including minor daughter who is studying. This Court is of the view that the impugned order was passed by respondent No.3 just on the basis of the fact that there is a probability that he may indulge in criminal activities and would disturb the peace if released on parole. Likelihood of committing the crime while on parole could not be considered as sufficient ground to decline the concession of parole to the convict.

This Court in **Manga @ Manga Singh v. State of Punjab and others**; 2020 (4) RCR (Criminal) 133 has held that merely because the petitioner was involved in 4 other criminal cases would not be a valid ground to deny him release on parole.

In view of above, order dated 2.9.2020 (Annexure P-4) passed by respondent No.3 is set aside. A direction is hereby issued to respondent No.3 to reconsider the prayer of the petitioner for grant of parole and pass appropriate speaking order afresh within a period of one month from the date of receipt of a certified copy of this order and the decision taken thereon be conveyed to the petitioner.

Disposed of.

February 11, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No