

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

CRWP-9790-2022 (O&M)
Date of decision:- 21.11.2022

Rajinder Singh

.... Petitioner

VS.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Ms. Ishma Randhawa, Additional Advocate General, Punjab.

MANISHA BATRA, J.

The present petition has been filed by the petitioner-Rajinder Singh under Article 226 of the Constitution of India for setting aside order dated 21.09.2022 (Annexure P-1) passed by respondent No.2, Deputy Commissioner/District Magistrate, Jalandhar, whereby the request of the petitioner for grant of parole had been rejected.

The present petition has been filed by the petitioner on the ground that he was held guilty and convicted by the Court of learned Additional Sessions Judge, Kapurthala vide judgment of conviction and order dated 09.12.2021, in case bearing FIR No.67, dated 03.06.2019 registered under Sections 376, 342 and 506 of IPC read with Section 4 of Protection of Children from Sexual Offences, Act, 2012. He had been sentenced to undergo rigorous imprisonment for 20 years. An appeal has been filed by him against the said judgment, which is pending before this

Court.

The petitioner approached respondent No.2 to release him on parole for eight weeks to meet his family members, which was duly recommended by respondent No.4 and his case was sent to Additional District Magistrate, Jalandhar, which was further endorsed to respondent No.3. Respondent No.2 after receiving the report from concerned police Station, did not recommend the parole case of the petitioner and rejected the same vide the impugned order dated 21.09.2022. Feeling aggrieved, he has filed the present petition.

Learned counsel for the petitioner contended that the petitioner was in jail from the last about 3 years, 4 months. He had never availed the benefit of parole to meet his family members. He was entitled for parole period of 84 days in a calendar year. There was no apprehension of his absconding or disturbing law and order. Hence, it was urged that the petitioner be released on parole for a period of four weeks.

On the other hand, learned State counsel has opposed the prayer made by petitioner by way of reply filed in the Court, which is taken on record. It is submitted that the petitioner has undergone 3 years, 5 months and 13 days of actual sentence as on 18.11.2022. The parole case of the petitioner was duly initiated and was rejected by the District Magistrate, Jalandhar on the basis of verification report of Senior Superintendent of Police, Jalandhar. There were chances of petitioner's disturbing the State security and maintenance of public order if extended benefit of parole. Hence, it was urged that the petition did not deserve to be allowed.

We have heard learned counsel for the parties.

As per the reply submitted by the State, the petitioner has

undergone 3 years, 5 months and 13 days of actual sentence. He is not alleged to be involved in any other case. The only reason given by respondent No.2 for rejecting the prayer made by the petitioner is that his release might disturb the law and order and may lead to danger to the State security and further that he might abscond. This apprehension, however, is not substantiated by any material and hence cannot be made a ground to reject the prayer made by the petitioner. It is relevant to mention that Section 3(1)(aa) of the Punjab Good Conduct Imprisoners' (Temporary Release) Act, 1962, permits temporary release of prisoner on parole on the grounds as mentioned therein. The petitioner wants to meet his family members. He has never been released on parole earlier.

Taking all these circumstances into consideration, the petition is hereby allowed. Impugned order dated 21.09.2022 is set aside. The petitioner is ordered to be released on parole for a period of four weeks subject to his furnishing personal/surety bonds to the satisfaction of the District Magistrate, Jalandhar.

District Magistrate, Jalandhar, may impose such conditions as may be necessary to secure the presence of the petitioner in jail after the parole is over and to ensure that the temporary release is not misused.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

21.11.2022

pooja saini

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No