

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

(PROCEEDINGS THROUGH V.C.)

206

CRWP-145-2022

Date of decision : 25.02.2022

Harpreet Singh @ Ganja

Petitioner

V/S

State of Punjab and another

Respondents

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

Present: Mr. Ripudaman Singh Sidhu, 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 12.05.2021 passed in FIR No.99 dated 16.09.2014 registered under Sections 302/307/326/324/323/341/148/149 of the Indian Penal Code, 1860 at Police Station Maqboolpura, District Amritsar, whereby the request of the petitioner for grant of parole has been rejected by respondent No.2-District Marigstar, Amritsar.

Briefly stated, the petition has been filed on the grounds that the petitioner was convicted in the above-said FIR and sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.18,000/- and in case of default to further undergo rigorous imprisonment for 01 year and 10 months. The petitioner has filed criminal appeal CRA-D-

387-2020 in this Court which is lying admitted. The petitioner approached the respondent No.2 for emergency parole to look after his mother, who is seriously ill. The request of the petitioner was dismissed by respondent No.2 vide impugned order dated 12.05.2021. 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)(aa) 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 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. As per reply filed by the State the petitioner is also involved in 09 other cases. Out of which in 04 cases he has been acquitted and in 05 cases 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. Out of 09 cases he is already acquitted in 04 case and is on bail in other 05 cases.

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 grand-

father 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 12.05.2021 passed by the District Magistrate, Amritsar 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

25.02.2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No