

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

CRWP-10484-2022
Date of Decision: 18.11.2022

Saroop Singh

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. B.S. Randhawa, Advocate,
for Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed for grant of 8 weeks' parole to the petitioner on account of the marriage of his daughter which is stated to be fixed for 26th and 27th November, 2022. The request for the same has been rejected by respondent No.2-Director General of Police (Prisons), Punjab vide order dated 28.10.2022 (Annexure P-5) on the ground that he had not surrendered in jail on 28.04.2021 when he was on parole. Resultantly, in FIR No.114 dated 19.05.2021 under Sections 8 and 9 of the Haryana Good Conduct Prisoners (Temporary) Release Act, he was taken into custody and admitted in District Jail, Kaithal on 28.05.2021. Thereafter, he was transferred to Central Jail, Patiala on 30.05.2021 and, therefore, there is apprehension that he may again jump the parole, if now released.

Apparently, the said relief was given on account of the Covid-19 pandemic and the petitioner, in his petition, has specifically mentioned that there was miscommunication and non-intimation of the fact that when he was

of Covid-19 pandemic and there were some conditions that he has to surrender with a negative report of Covid infection. It has been specifically averred that he was also granted parole 4 times, the details of which read thus:-

“...6 weeks parole from 11.06.2018 to 24.07.2018, 19 days parole dated 17.10.2018 to 06.11.2018, 40 days parole dated 30.01.2019 to 12.03.2019 and 8 weeks parole dated 05.08.2019 to 01.10.2019.”

It has been specifically mentioned that he had never misused the concession of parole at that point of time. The custody certificate also confirms the fact that he was on parole for a period of 1 year, 4 months and 3 days and the actual undergone period is 4 years, 1 month and 13 days.

In such circumstances, we are of the considered opinion that the impugned order dated 28.10.2022 (Annexure P-5) which has been passed as such suffers from an infirmity as it has not noticed the earlier conduct of the petitioner. The fact that there could have been a miscommunication as the release was during Covid-19 pandemic and at that time due to wide spread fear as such, travel was difficult and, therefore, on account of that there was an over stay for a period of approximately one month. The same should not have been weighed with the authorities to deny the benefit of parole. The factum of marriage as such stands duly verified as per Annexure R-4, which also goes on to show that the marriage is fixed for 26th and 27th November, 2022 and being the father of the girl as such, certain ceremonies have to be performed by him and his presence is required.

In such circumstances, the order 28.10.2022 (Annexure P-5) passed by respondent No.2 is quashed. The petitioner be released on parole for a period of 6 weeks subject to furnishing of bail bonds to the satisfaction

of the competent authority.

The petition stands allowed in the above terms.

(G.S. SANDHAWALIA)
JUDGE

18.11.2022
shivani
Whether reasoned/speaking
Whether reportable

(MANISHA BATRA)
JUDGE
Yes/No
Yes/No