

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

221

CRWP No.1044 of 2023

Date of Decision : 11.08.2023

Chander Pal

....Petitioner

VERSUS

State of U.T. Chandigarh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. H.S. Randhawa, Advocate for the petitioner.

Mr. Anil Kumar Lamdharia, Addl. PP UT Chandigarh.

ALKA SARIN, J. (Oral)

1. This is a writ petition under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of certiorari or any other appropriate writ or order quashing the order dated 29.09.2020 rejecting the application of the petitioner herein for his premature release.

2. Learned counsel for the petitioner would contend that the application filed by the petitioner for his premature release has been rejected only on the ground that release of the petitioner would be dangerous to society. Learned counsel for the petitioner would further contend that as per the Policy with regard to release of the prisoners prevailing at the relevant point of time, neither the behaviour of the petitioner during the period of his parole nor the views of the local *Panchayat* have been called for nor there is any compliance of guidelines as laid down in case of **Sharafat Ali vs. State of Uttar Pradesh & Anr. [2022 (1) PLR 722]**.

3. Reply has been filed by the State by way of affidavit of Mr. Amandeep Singh, CPS, Additional Superintendent, Model Jail, Chandigarh wherein it has been stated that the petitioner has undergone 14

years 05 months and 21 days approximately as actual sentence of imprisonment and more than 18 years 11 months and 17 days including remissions, excluding the period of parole availed by the petitioner, out of the total sentence awarded to him. It has also been stated that there is no other case registered against the petitioner.

4. I have heard learned counsel for the parties.

5. In the present case the impugned order is totally bereft of any reasoning and a very general observation has been made that release of the petitioner would be dangerous to society. There is no compliance of directions as given in the Policy for premature release of the prisoners. There is no observation *qua* the conduct of the petitioner while on parole or regarding any other case pending against him nor the views of the local *panchayat* have been asked for.

6. The impugned order has been passed without any application of mind and the same is accordingly set aside. The case of the petitioner be re-considered for his premature release on the basis of the Policy as it stood on the relevant date when he was convicted. The exercise would be completed within a period of two months from the date of passing of this order.

7. The present petition is disposed off in the above terms. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

11.08.2023

jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO