

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101+213

CRWP-1132-2023 (O&M)
Date of decision:- 04.09.2023

Bahadur Singh

.... Petitioner

Vs.

State of Punjab and others

...Respondents

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

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Alankar Narula, AAG, Punjab.

Mr. G.S. Sidhu, Advocate for the complainant.

Manisha Batra, J.

CRM-W-1261-2023

Application is allowed as prayed for.

Annexure P-3 is taken on record.

CRWP-1132-2023

The present petition has been filed by the petitioner-Bahadur Singh under Articles 226 of the Constitution of India for setting aside order dated 02.08.2022, passed by the Deputy Commissioner, Barnala, (Annexure P-1) 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 Sessions Judge, Barnala vide judgment dated 18.10.2021 in case bearing FIR No.99, dated 15.10.2018 registered under Sections 302, 307, 323, 201, 148, 149 of IPC and 27 of Arms Act, registered at Police Station Bhadaur. He had been sentenced as under:-

Under Section	Sentence	Fine	In default of payment of fine
302 of IPC	Life imprisonment	Rs.2 Lacs	--
307 of IPC	RI for 07 years	Rs.1,00,000/-	RI for 2 years
27 of Arms Act	RI for 03 years	Rs.20,000/-	RI for 6 months

The petitioner approached respondent No.3 to release him on parole for 8 weeks to meet his family members. Respondent No.3 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 02.08.2022. Feeling aggrieved, he has filed the present petition.

Learned counsel for the petitioner aruged that respondent No.3 had rejected his prayer for grant of parole without any justifiable ground and therefore, it is urged that the impugned order is liable to be set aside.

On the other hand, learned State counsel has opposed the prayer made by petitioner by way of reply filed in the Court, along with custody certificate, which are taken on record. The parole case of the petitioner was duly initiated and was rejected by respondent No.3. 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 concealed the true facts in the present petition. The only reason given by respondent No.3 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. This apprehension, however, is not substantiated by any material and hence cannot be made a ground to reject the prayer made by the petitioner. In pursuance of order dated 19.05.2023, the son and daughter of the petitioner have furnished a joint affidavit annexed with CRM-W-1261-2023 affirming therein that they take responsibility that the peace and harmony in the village will not be disturbed on account of release of the petitioner on parole and that they will abide by the conditions imposed by the State. 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.

Taking all these circumstances into consideration, the petition is hereby allowed. Impugned order dated 02.08.2022 is set aside. The petitioner is ordered to be released on parole for a period of eight weeks subject to his furnishing personal/surety bonds to the satisfaction of the concerned District Magistrate.

2023:PHHC:116066 -DB

Concerned District Magistrate, 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) (MANISHA BATRA)
JUDGE JUDGE

04.09.2023

pooja saini

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