

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

CRWP-1262-2023

Decided on : 08.05.2023

Tejinder Singh @ Kakka Brar

... Petitioner

Versus

State of Punjab and others

... Respondent

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE GURBIR SINGH**

Present: Mr.Sarbuland Singh Mann, Advocate for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

Mr. Sarabjit Singh Sidhu, Advocate for the complainant.

G.S. Sandhawalia, J. (Oral)

Challenge in the present criminal writ petition filed under Article 226 of the Constitution of India is to the order dated 22.12.2022 (Annexure P-1), whereby the case of the petitioner was rejected for grant of parole by the District Magistrate, Fazilka, on the ground that the local police has an objection.

2. The petitioner has filed the present petition on account of the fact that in FIR No.20 dated 03.04.2018 registered under Section 302 IPC and Sections 25/27 of the Arms Act, he has been behind bars since 04.04.2018 and is undergoing life sentence, in view of the conviction recorded.

3 As per the custody certificate filed today, he has undergone 5 years and 2 days and never been released on parole.

4. Counsels for the State and the complainant have opposed the release on parole. However, we are of the considered opinion that it has been time and again held by the Apex Court that release on parole is part of the reformatory process. Keeping in view the settled principles of law

and the fact that the petitioner has been in custody for over 5 years and has not been able to come out to meet his family even once, the rejection cannot be held to be justified in any manner.

5. Reliance can be placed upon the Division Bench judgment in **Arun Kumar vs. State of U.T., Chandigarh and others, 2011 (2) AICLR 361** and **Ram Chander vs. State of Punjab and others, 2017 (3) RCR (Crl.) 340**, that in the absence of any material before the District Magistrate, denial of benefit of parole as such would not be justified.

6. Accordingly, the present petition is allowed and the impugned order dated 22.12.2022 (Annexure P-1) is quashed. The petitioner shall be released on parole for a period of 6 weeks on furnishing the requisite bail bonds to the satisfaction of the competent authority and he shall surrender back in time in jail premises on the expiry of the said period.

7. Petition stands allowed, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(GURBIR SINGH)
JUDGE

08.05.2023
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No