

Annexure P/3 to the Inspector General of Prisons, UT Chandigarh vide letter dated 18.01.2023.

3. In the post-lunch session, learned Addl. PP, UT Chandigarh, has produced copy of the police report along with custody certificate. The same are taken on record. A perusal thereof reveals that claim of the petitioner for release on parole has been declined on the ground that in view of physical build of the petitioner he can commit another crime.

4. To our mind, the aforementioned reasons are not justified so as to deny the claim of the petitioner for being released on parole especially in view of the fact that the petitioner earlier has already availed parole on a number of occasions i.e. for 28 days vide order Annexure P/3 dated 12.01.2015, for eight weeks vide order Annexure P/4 dated 07.04.2020, for 28 days vide order Annexure P/5 dated 11.01.2021 as also in view of the decision of a Coordinate Bench of this Court in CRWP-1687-2020, decided on 25.02.2020, in case titled as Rahul vs. UT Chandigarh and others, wherein it was noticed that the petitioner had been earlier released on parole and had not misused the concession of parole and had surrendered back to the jail authorities one day prior to the date of surrendering.

5. In view of the position noted above as also in view of the reasoning advanced in the impugned order being legally unsustainable, we are inclined to allow the petition. Accordingly, the petitioner is ordered to be released on parole for a period of 28 days from the date of his release as per rules on his furnishing bail / surety bonds to the satisfaction of the District Magistrate / Duty Magistrate, Raebareli. The petitioner shall surrender to the jail authorities in accordance with law on completion of period of parole.

(B.S.WALIA)
JUDGE

31.05.2023

rajesh

(LALIT BATRA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No