

2023:PHHC:050635

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRWP-1874-2023 (O&M)
Date of decision: 12.04.2023

SUKHJINDER SINGH ALIAS SUKHI

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sanjeev Kumar Sharma, Advocate
for the petitioner.

Mr. H.S. Sullar, Sr. DAG Punjab.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 226/227 of the Constitution of India with a prayer seeking direction to the respondents to grant eight weeks parole to the petitioner to meet his family members under Section 3(1)(d) of the Punjab Good Conduct Prisoners (temporary release) Act, 1962.

Learned counsel contends that the ground on which the parole has been rejected vide impugned order dated 27.01.2023 is that the petitioner may threaten the prosecution witnesses in case FIR No.260 dated 27.09.2013 registered against him under Section 21/61/85 of NDPS Act at Police Station Chheharta, Amritsar. In this regard, the submission advanced

is that the petitioner already stands acquitted in the aforesaid criminal case vide judgment dated 18.11.2019 passed by the learned Special Judge Amritsar. Further, that the petitioner has been granted parole thrice over by this Court, one of such orders is dated 27.07.2022, Annexure P-1, however, he never misused the said concession.

Learned State counsel opposes that the petitioner is a habitual offender. However, he is unable to controvert the fact of the petitioner having been acquitted in the FIR made basis of rejection of the request of the petitioner and that he never misused the parole granted to him.

Heard.

It would be worthwhile to refer to the judgment of Division Bench of this Court in **Jugraj Singh @ Bhola vs. State of Punjab**, 2010(25) RCR (Crl.) 138, has held thus:

"It is also conceded position that the petitioner can be temporarily released on parole for four weeks under Clause (d) of sub-section (1) of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred to as 'the Act') to enable him to meet his family members. In our opinion, the release of a convict on parole is a wing of reformatory process. Section 3 of the Act has been enacted as a reformatory measure with an object to enable the prisoner to have family association or to perform certain family obligations and rituals. Until and unless sufficient material is available with the authorities giving solid reasons for declining the temporary release of a convict on parole, this benefit should not be declined to him. In the instant case, no such strong

material or basis has been relied upon by the respondents while rejecting the prayer of the petitioner for releasing him on parole for four weeks to meet his family members.”

Indubitably, the petitioner has been convicted by the trial Court for the offences under Sections 307, 34 IPC and Section 25 of the Arms Act, and convicted for a period of 7 years, against which, the appeal filed before this Court is pending adjudication.

The apprehensions of the respondents are not substantiated by any material on record, particularly regarding that there are chances of disturbing the State security or maintenance of public order as mentioned in the reply filed to the present petition. Further still, in so far as the ground of rejection of the prayer of the petitioner, being the FIR, in which he might threaten witnesses, is concerned, admittedly, he stands acquitted therefrom. There is nothing that has been brought forth on behalf of the State that the petitioner ever misused the parole that was granted to him previous three occasions. Thus, the aforesaid cannot be made the grounds to reject the prayer made by the petitioner for grant of parole to meet his family members.

Hon'ble the Supreme Court in **Babu Singh vs. State of UP**, 1978 (1) SCC 579 has also observed that “unremitting insulation in the harsh and hardened company of prisoners leads to many unmentionable vices that humanizing interludes of parole are part of the compassionate constitutionalism of our system”.

Consequently, the petition is allowed to the extent that subject to the petitioner maintaining good conduct, he is ordered to be released on parole for a period of six weeks from the date of his release, upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate concerned.

(AMAN CHAUDHARY)
JUDGE

April 12, 2023
M.Kamra

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