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

CRWP-2249-2023 (O&M)

Date of decision: 31.05.2023

AJAY @ BRIJ NANDAN

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. S.S. Rana, Advocate and
Mr. Arvind Kumar Sharma, Advocate
for the petitioner.

Mr. Maninder Singh, DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner has been convicted and sentenced by the learned Trial Court, Ludhiana, on 28.02.2022, to undergo life imprisonment, in FIR bearing No.17 of 10.2.2019, registered under Sections 376-D, 342, 384, 354-B, 379-B, 364-A, 397 of the IPC, registered at Police Station Dhakha, District Ludhiana.

3. The above made verdict of conviction, and, consequent therewith sentence(s) (supra), as became imposed upon the convict, has been challenged by him through his rearing a criminal appeal bearing No. CRA-D-409-DB-2022, before this Court.

4. During the pendency of the appeal (supra) before this Court, the convict preferred an application, claiming therein the relief of his becoming released on parole, lasting upto a duration of 8 weeks, rather for the relevant purpose. The authority concerned, after eliciting the report of the police officer concerned, has made a declining order on the relevant application, and, the above declining order, which becomes enclosed in Annexure P-1 (in CRM-W-622-2023) to the instant petition, has led the petitioner to access this Court.

A reading of the declining order (Annexure P-1) reveals, that there is an

apprehension of danger of adverse effect on the society, thus upon the convict being released on parole. However, the above purported threat of adverse effect on the society, rather becoming engendered, upon the petitioner becoming released on parole, is not founded upon any credible and tangible evidence. Therefore, since in the wake of the above, the declining order (supra) is obviously made with a complete lack of application of mind, and/or is surmisely drawn, therefore, the same is required to be rejected.

6. Therefore, the petition is allowed, and, the impugned order is quashed and set aside. The petitioner is ordered to be released on parole for eight weeks, from the prison concerned, but subject to his furnishing personal and surety bonds in a sum of Rs. Four Lakhs each, and, to the satisfaction of the Superintendent of Jail concerned, where he is extantly lodged, and, with an undertaking therein that immediately on expiry of the afore period, he shall re-step into the prison concerned. The stepping outside the prison of the convict-petitioner shall commence in the evening of 2.6.2023, and, shall last uptill the morning of 14.7.2023.

7. If the above condition is breached, and, the petitioner does not re-step into the prison concerned, immediately on the expiry of eight weeks, i.e. on 14.7.2023, thereupon, liberty is reserved to the jurisdictional SHO concerned, to forthwith arrest the petitioner, and, to thereafter produce him before the jurisdictional Magistrate concerned, for the latter making an order for the petitioner becoming committed to the prison concerned.

8. Pending miscellaneous application(s), if any, stand(s), disposed of.

(SURESHWAR THAKUR)
JUDGE

31.05.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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