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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-3020-2023

Date of Decision : September 19, 2023

SUKHWINDER SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND ORS.

-RESPONDENTS

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

Present : Mr. Sushant Kareer, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner was, for charges drawn against him for offences punishable under Sections 302/34 of the IPC, thus convicted by the learned trial Judge concerned, thus through a verdict drawn on 04.12.2019, . In consequence to the verdict of conviction (supra) becoming recorded upon the present petitioner, the learned trial Judge concerned imposed upon him the substantive sentence of life imprisonment, which the present petitioner is undergoing in the prison concerned.

2. The present petitioner, in terms of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, moved an application seeking his being released on parole from the prison concerned. However, the said application, through an order, as becomes enclosed in Annexure P-2, became rejected.

3. Consequently, the petitioner is led to challenge the rejection order (supra). The reason, as set forth in the impugned order, for rejecting the application for parole, as became preferred by the petitioner before the

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authority concerned, is grooved in the factum, that since the house of the complainant and the house of the petitioner adjoin each other, thereupon, there is every apprehension of law and order breaking down.

4. The above meted reason appears to be an ill-informed reason, as it is not supported by any cogent evidence, comprised in the present petitioner, during the period of his spending the prison term, in the relevant prison, thus his through any mode, rather meteing any threats or intimidating the family of the deceased.

5. If so, without existence of the above tangible evidence on record, the authority which drew the impugned Annexure, thus could not draw it, whereby, it rejected the claim for parole, as became preferred before it by the petitioner.

6. Even if assuming, that there is proximity in the homestead of the petitioner, and, of the homestead of the complainant, and that thereby, there may be an apprehension or possibility of break down of law and order taking place, yet the above apprehension can become mitigated, in case the petitioner is asked to not stay at the house, which adjoins the house of the complainant, but rather during the period of his parole, he proceeds to stay at an abode elsewhere than his abode, which adjoins the homestead of the complainant.

7. In view of what has been stated above, this Court deems it fit and appropriate not to curtail the liberty of the petitioner, as in terms of the above referred to provision, jurisdiction is available to be exercised by this Court to temporarily unfetter the liberty of the petitioner, through his claim for parole being allowed.

8. In summa, after allowing the present petition, the petitioner is

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ordered to be released from the prison concerned, by the Superintendent of the prison concerned, from the period commencing from the morning of 21.09.2023 to the evening of 16.11.2023. On expiry of the above term of parole, the petitioner shall forthwith restep into the prison concerned and if he does not do so, thereupon the SHO of the jurisdictional police station concerned shall forthwith arrest the petitioner and thereafter, shall produce him before the learned Judicial Magistrate concerned.

9. Personal surety bonds comprised in a sum of Rs.50,000/- are ordered to be furnished by the petitioner, before the Superintendent of the prison concerned.

10. Moreover, the SHO of the jurisdictional police station concerned shall be intimated by the petitioner about the place, which he intends to house himself, during the period of his availing the facility of parole.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

September 19, 2023
devinder

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No