

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

(212)

CRWP-3089-2023
DATE OF DECISION:-01.06.2023

Mukhtiar Kaur

...Petitioner

vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. L. S. Sekhon, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Article 226 of the Constitution of India, prayer has been made for quashing of the order dated 16.01.2023 passed by respondent No.2 whereby, prayer made by the petitioner for grant of release on parole to see her two sons who are visually handicap, has been declined.

(2) Briefly stating the facts of the present case are that petitioner was involved in FIR No.177 dated 20.10.2019 under Sections 22/61/85 of NDPS Act, registered at P. S. Sadar, Faridkot, wherein, vide order dated 07.09.2021, she was convicted and ordered to undergo RI for a period of 10 years. The petitioner preferred an appeal i.e. CRA-S-1216-2021 which is pending adjudication before this Court.

(3) Learned counsel for the petitioner submits that petitioner has already suffered actual sentence for a period of 3 years, 7 months and 9 days and she prays for her release on parole invoking Section 3(2)(d) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred to as "the Act") as she wants to attend to her two sons who are

100% virtually impaired. The prayer made by the petitioner has been declined by the State as well as by respondent No.2 vide order dated 16.01.2023. Impugning the aforesaid order, the present writ petition has been filed.

(4) In response, the State has filed reply dated 16.04.2023 wherein, it has been submitted that there is strong apprehension that the petitioner would indulge herself in similar activity thereby causing loss to the society.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) A perusal of the certificates (Annexures P-2 and P-3) attached along with present petition show that the two sons of the petitioners are 100% visually impaired and petitioner intends to attend to them and thus, prays her release on parole invoking Section 3(2)(d) of the Act.

(7) In the facts and circumstances of the present case, the cause of the petitioner appears to be a sufficient for the purpose of invoking Section 3(2)(d) of the Act which is beneficial legislation and thus, has to be liberally construed, besides it, neither from the impugned order nor from the reply filed at the instance of respondent-State, any material has been brought on record so as to substantiate their apprehension as regards the petitioner going to involve herself in similar activity.

(8) In view of the discussion made hereinabove, impugned order dated 16.01.2023 (Annexure P-1) passed by respondent No.2 is set aside and the prayer made by the petitioner for grant of her temporary release on parole for the purpose of looking after her two sons who are 100% visually impaired is allowed for a period of four weeks subject to imposition of

necessary conditions by the releasing authority/District Magistrate.

Petitioner shall surrender before the Jail Authorities immediate upon the expiry of the parole period.

01.06.2023

anil

whether speaking/reasoned: Yes/No

whether reportable: Yes/No

(HARKESH MANUJA)
JUDGE