

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCR.W.P.NO.6247 OF 2021
Date of decision: 27.07.2023.

Akram Khan

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sahil Puri, Advocate for the petitioner.

Mr. Jashanpreet Singh, D.A.G.Punjab

Nidhi Gupta, J.

Petitioner Akram Khan in this petition under Article 226/227 of the Constitution prays for grant of parole under Sections 3 & 4 of the Punjab Good Conduct Prisoner Temporary Release Act for a period of 8 weeks to enable him to meet his family members, children and other relatives, and also to attend to his household responsibilities that include repair work of the roof of his house which needs restoration and reconstruction, he being the only male member in the house.

It is inter alia submitted by the ld. counsel for the petitioner that petitioner is undergoing life imprisonment in case FIR No.128 dated 27.9.2006 registered under Section 302/376 IPC, at PS Division No.7, District Jalandhar. It is submitted that the appeal bearing CRA-D NO.927-DB of 2012 filed by the petitioner challenging his conviction and sentence was dismissed by this Court on 13.7.2015. It is submitted that presently, the application for

parole moved by the petitioner has been rejected by the Superintendent Central Jail, Kapurthala in a perfunctory manner vide order dated 26.5.2021 (Annexure P-1). It is submitted that the petitioner has to attend to his household responsibilities i.e. repair of roof of his house which requires restoration and reconstruction. It is stated that petitioner is also seeking parole to meet his family members, children and other relatives. Ld. Counsel submits that in view of the State policy for rehabilitation of prisoners, and to give them another opportunity to mend their lives, present petition be allowed and petitioner be granted parole.

Ld. State counsel opposes the prayer for parole and submits that petitioner is a hardcore prisoner as he has been convicted under Sections 302 and 376 IPC. It is further submitted that as per Punjab Good Conduct Prisoner Temporary Release (Amended) Act, 2015 (Punjab Act No. 1 of 2016) (Annexure R-2), prisoners convicted under Section 302 read with Section 376 IPC are not entitled for parole. Reference is also made to para 4 of the reply by way of affidavit dated 27.7.2021 filed by Baljit Singh, PPS, Superintendent, Central Jail, Kapurthala, which reads as under:-

“4. That it is submitted that as per The Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 (Punjab Act No.1 of 2016) an Act further to amend the Punjab Good Conduct Prisoners (Temporary Release) Act, 1963, insertion of new Section 5-A in Punjab Act 11 of 1962 contained in Section 3 and 4, the persons who were convicted under Section 302 read with Section 376 are not entitled for parole, no prisoner shall be entitled to be released under this

Act to whom the death sentence has been awarded or is a hardcore prisoner”.

Ld. State counsel submits that the petitioner is a hard-core prisoner in the above terms.

Learned counsel for the petitioner is unable to dispute the above said position.

Accordingly, in view of the above undisputed facts, the present petition stands **dismissed**.

27.07.2023.
Joshi

(Nidhi Gupta)
Judge