

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-6651-2023

Date of Decision: October 04, 2023

Parkash

.....Petitioner

versus

State of U.T. Chandigarh and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJ MOHAN SINGH.
HON'BLE MR.JUSTICE HARPREET SINGH BRAR.**

Present: Mr. H.S. Jaswal, Advocate
for the petitioner

Mr. Deepinder Brar, APP for U.T. Chandigarh

Raj Mohan Singh, J. (Oral)

1. The petitioner has preferred this petition for quashing of order dated 31.05.2023 passed by respondent No. 1 whereby the parole case of the petitioner has been rejected on the premise that as per statement of Sunita w/o Dinesh, she is living at the given address as tenant with her family and she does not know the petitioner. The petitioner seems to be a dangerous person and security of the State and law and order situation would be materially affected in case of his release on parole.

2. With reference to para 10 of the petition, learned counsel for U.T. Chandigarh was asked to file para-wise reply. For ready reference, para 10 of the petition reads as under:-

“10. That it is worthwhile to submit here that the ground taken by the respondents to deny the concession of parole to the petitioner is totally wrong. It is specifically mentioned here that the House No. 1283 is belongs to the parents of the petitioner

who are residing in the said house. At the time of registration of the case, the petitioner alongwith his family including parents was residing in the given address. After registration of the case, the petitioner was taken into custody by the police and the wife including minor children of the petitioner was thrown out by the parents of the petitioner who is living separately from her in-law in the same area/colony. It is further submitted that Sunilta w/o Dinesh is not a tenant but she is sister-in-law (Bhabhi) of the petitioner and daughter-in-law of the parents of the petitioner. She is residing in the said house for the last about 3-4 months only and prior to her, the petitioner and his family were residing over there. Therefore, the ground taken by the respondents to deny the concession of parole to the petitioner is totally wrong and hence, the impugned order is liable to be set aside.”

3. Reply to para 10 as contained in reply dated 11.09.2023 gives the following information:-

“That in reply to Para 10 of the petition it is submitted that the address as mentioned by the petitioner has been found correct. Sunita wife of Dinesh, who has been found residing at the given address is the sister-in-law (Bhabhi) of the petitioner. A verification has been conducted by ASI Raj Kumar, Police Station, SRP, Chandigarh who submitted his report that at the given address i.e. House No. 1283-A, Small Flat Dhanas, Chandigarh Karan Singh @ Net Ram (father the petitioner) met, who got his statement recorded that he is residing at the above said address along with his family. He has 5 sons and 1

CRWP-6651-2023

-3-

daughter. His third son Parkash is lodged in Model Jail, Burail, Chandigarh in the present FIR. Karan Singh stated that he has disowned his son Parkash (petitioner) from his movable and immovable property and anybody dealing with him shall be responsible at his own risk. Karan Singh also stated that his son Parkash the present petitioner is habitual of intoxication. The above said House is in the name of Karan Singh's wife namely Rani and Karan Singh @ Net Ram and his family has no responsibility for Parkash. A copy of report o ASI Raj Kumar dated 18.07.2023 and copy of statement of Karan Singh @ Net Ram, are nnexed hereiwth a Annexure R-2 (Colly).

4. Admittedly the petitioner is living at House No. 1540-B, EWS Small Flats Colony Dhanas, Chandigarh. This fact has been verified by the respondent – U.T. Chandigarh as correct.
5. In view of the factual assertion as admitted by the respondent – State of U.T. Chandigarh, learned counsel submits that parole case of the petitioner shall be re-considered in accordance with law within a period of two weeks and an appropriate order shall be passed.
6. The petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

October 04, 2023

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