

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRWP-7509-2022

Date of decision:- 10.01.2023

Kuldeep Singh @ Keepa

.... Petitioner

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Alankar Narula, AAG, Punjab.

Manisha Batra, J. (Oral)

The present petition has been filed by the petitioner-Kuldeep Singh @Keepa under Articles 226 of the Constitution of India for setting aside order dated 06.05.2022, passed by the District Magistrate, Mansa, (Annexure P-1) whereby the request of the petitioner for grant of parole had been rejected.

The present petition has been filed by the petitioner on the ground that he was held guilty and convicted by the Court of learned Additional Sessions Judge, Ambala vide judgment dated 26.03.2013 and 30.03.2013 in case bearing FIR No.61, dated 08.10.2009 registered under Sections 302/485 of IPC registered at Police Station Nagal, District Ambala. He had been sentenced to undergo life imprisonment. Appeal bearing No.CRA-D-1641-DB-2014 has been filed by him against the said

judgment, which is pending before this Court.

The petitioner approached respondent No.3 to release him on parole for eight weeks to meet his family members. Respondent No.3 after receiving the report from concerned police Station, did not recommend the parole case of the petitioner and rejected the same vide the impugned order dated 06.05.2021. Feeling aggrieved, he has filed the present petition.

Learned counsel for the petitioner contended that the petitioner has not met his family members for the long time. Hence, the petitioner be released on parole for a period of eight weeks.

On the other hand, learned State counsel has opposed the prayer made by petitioner by way of reply filed in the Court, along with custody certificate, which are taken on record. As per the custody certificate, the petitioner has undergone actual sentence of 6 years, 2 months and 10 days. The parole case of the petitioner was duly initiated and was rejected by the District Magistrate, Mansa. There were chances of petitioner's disturbing the State security and maintenance of public order if extended benefit of parole. Hence, it was urged that the petition did not deserve to be allowed.

We have heard learned counsel for the parties.

As per the reply submitted by the State, the petitioner has concealed the true facts in the present petition. The only reason given by respondent No.2 for rejecting the prayer made by the petitioner is that his release might disturb the law and order and may lead to danger to the State security. This apprehension, however, is not substantiated by any material and hence cannot be made a ground to reject the prayer made by

the petitioner. It is relevant to mention that Section 3(1)(aa) of the Punjab Good Conduct Imprisoners' (Temporary Release) Act, 1962, permits temporary release of prisoner on parole on the grounds as mentioned therein.

Taking all these circumstances into consideration, the petition is hereby allowed. Impugned order dated 06.05.2022 is set aside. The petitioner is ordered to be released on parole for a period of six weeks subject to his furnishing personal/surety bonds to the satisfaction of the concerned District Magistrate .

Concerned District Magistrate, may impose such conditions as may be necessary to secure the presence of the petitioner in jail after the parole is over and to ensure that the temporary release is not misused.

(RITU BAHRI) (MANISHA BATRA)
JUDGE JUDGE

10.01.2023

pooja saini

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No