

In the High Court for the States of Punjab and Haryana at
Chandigarh

CRWP-6990-2023

Date of Decision: *December 04, 2023*

Kulwant Singh @Laddi

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl.A.G., Punjab.

Vivek Puri, J.

1. The present petition under Articles 226/227 of the Constitution of India has been moved for seeking to quash the order dated 26.06.2023 (Annexure P-2) passed by respondent No.4 vide which the application for releasing the petitioner on parole has been illegally and erroneously dismissed against the provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short 'the Act').

2. Briefly, the case as put forth by the petitioner is to the effect that he has been convicted and sentenced to undergo imprisonment for a period of ten years in case

bearing FIR No. 20, dated 26.01.2017, under Sections 366, 376 of the Indian Penal Code, registered at Police Station Division No.1, District Pathankot. The petitioner has preferred an appeal against the judgment of conviction and order of sentence, which has been admitted and is pending adjudication before this Court. The petitioner has maintained good conduct during the period of trial and also as a convict in the jail. The petitioner never committed any jail offence and has not been convicted in any other case. The petitioner had applied for grant of parole to respondent no.5 and the same was forwarded to respondent no.3. The respondent no.3 had sought a report from the respondent no.4, who did not recommend the parole on the ground that there is threat to the security of the state and public order, if the petitioner is released on parole.

3. The petition has been resisted by the learned State counsel. It has been alleged that the petitioner had sought 8 weeks' parole, but the Senior Superintendent of Police, Pathankot, had send the verification report not recommending the grant of 8 weeks' parole to him. It was reported that there is a threat to State's security, if the petitioner comes out on parole and also to maintenance of public order.

4. I have heard learned counsel for the parties.

5. Custody certificate has been placed on record which indicates that the petitioner is not involved in any other case. There is nothing to indicate that the petitioner has committed any jail offence or his conduct in jail was unsatisfactory. The petitioner had submitted an application for parole to meet his family members. The request of the petitioner for parole has been declined only on the score that there is a threat to the State's security and to maintenance of public order, if the petitioner is released on parole. The respondent no.3 had declined the request for parole on the basis of the report submitted by the respondent no.4. It may be mentioned here that the apprehension as projected in the instant case does not appear to be real and genuine. The petitioner is not having any criminal antecedents. Even the impugned order does not indicate as to on what basis such report with regard to threat to State's security or maintenance of public order has been made. Even otherwise, to dispel and allay the apprehension, adequate conditions can be imposed upon the petitioner and his conduct can be kept under watch during the period of parole. The reasons assigned for declining the parole cannot be termed to be a sufficient to decline the relief as sought by the petitioner as the apprehension as projected in the impugned order does not appear to be real and genuine. It has not been reported that the conduct of the petitioner in

jail is satisfactory and he is not involved in any other criminal case. Consequently, the petitioner has made out a good case for the release on temporary parole as per the provisions of the Act.

6. For the aforesaid reasons, the instant petition is allowed, the impugned order dated 26.06.2023 is set aside and the petitioner is ordered to be release on temporary parole for six weeks from the date of release to the satisfaction of the District Magistrate concerned on the furnishing of bonds. It is further directed to impose such conditions as may be required in jail manual, towards the ends of securing the presence of the petitioner in jail, after the period of parole is over and the temporary parole is not mis-used.

December 04, 2023

vk

(Vivek Puri)
Judge

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No