

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

CRWP-7816-2022

Date of Decision: 20.01.2023

Lakhvir Singh

.....Petitioner

Vs.

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr.Shoryaveer Vashist, Advocate for
Ms.Shubreet Kaur, Advocate for the petitioner.

Mr.Navneet Singh, Sr.D.A.G., Punjab.

G.S. SANDHAWALIA,J. (ORAL)

Challenge in the present criminal writ filed under Article 226 of the Constitution of India is to the order dated 19.05.2020, whereby the parole case of the petitioner was rejected by the Deputy Commissioner, Tarn Taran (Annexure P-2) on the basis of the report dated 15.05.2020 (Annexure P-1). Perusal of the said order would show that the reasoning is that if given parole, the petitioner could again do smuggling and can be declared a proclaimed offender and public order can be disturbed, which is basically passed on the report of the Senior Superintendent of Police. On 08.12.2022, the following order was passed:

“Affidavit of the Superintendent, Central Jail Shri Goindwal Sahib has been filed. The rejection order passed by the Deputy Commissioner, Tarn Taran has been appended as Annexure-R-1, which is on the usual ground that the petitioner would again

start the business of intoxicants and would abscond while on parole.

Let the custody certificate of the petitioner be filed and an affidavit as to whether the co-convict Gursahib Singh who was granted the benefit of parole has surrendered back after the said concession.”

The perusal of the custody certificate, now filed, shows the actual period undergone by the petitioner is 02 years 08 months and 02 days and he has also been granted interim bail from 17.07.2020 to 24.11.2020 and from 10.11.2021 to 02.05.2022 (Annexure P-3 to P-9). Nothing has brought to our notice that he was involved in any illegal activities during the time he was on interim bail and the fact remains that he has also surrendered back on time.

Therefore, the reasoning given in the impugned orders is flawed and cannot stand judicial scrutiny even it is also now been brought on record by the affidavit of the Superintendent, Central Jail, Shri Goindwal Sahib that the co-convict Gursahib Singh, who was earlier on parole, had surrendered on 17.07.2022 and thereafter was again released on parole for 40 days from 17.11.2022 to 28.12.2022 (R-1).

We do not see any reason why the petitioner is to be treated on a different footing if the co-convict has been granted the benefit on two occasions.

In such circumstances, we are of a considered opinion that the impugned orders dated 15.05.2022 (Annexure P-1) and 19.05.2022 (Annexure P-2) are liable to be quashed. Accordingly, the petition is allowed. The petitioner shall be released on parole for a period of six

weeks on furnishing the requisite bail bonds to the satisfaction of the competent authority and he shall surrender back in time in jail premises on the expiry of the said period after his release.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

January 20, 2023
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Whether Speaking	Yes
Whether Reportable	No