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

CRWP-8081-2022
Decided on : 08.02.2023

Tarsem Singh @ Joginder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Satinder Kaur, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Petitioner is seeking issuance of directions to respondents No.2 to 5 to grant him six weeks parole as some renovations/repairs require to be carried out in his house. Besides this, he also wishes to spend some time with his family as he has never been released on parole after his conviction on 17.07.2018.

Learned counsel for the petitioner submits that the petitioner was convicted on 17.07.2018 by learned Sessions Judge, Moga in Fir No.44 dated 19.04.2013 under Sections 22/61/85 NDPS Act and Sections 420, 467, 468 and 471 IPC for a period of 12 years along with fine of Rs.1,25,000/-. It has been submitted that the petitioner is undergoing the aforesaid sentence since the date of conviction and has now been in custody for a period of 06 years, 04 and 29 days. Learned counsel further

submits that ever since his conviction, the petitioner has never availed parole and has been maintaining good conduct inside the prison. It has further been submitted that out of the 04 other criminal cases registered against the petitioner, he stands acquitted in three cases and in the fourth case, he had been sentenced to the period already undergone. It has been vehemently urged by the learned counsel that the petitioner wants to meet his family members and also carry out renovations of his house. Learned counsel submits that there is no apprehension of the petitioner indulging in any criminal activity, which fact is supported by the resolution passed by the Gram Panchayat on 12.06.2022 wherein No Objection has been given for the release of the petitioner on parole. In support of her submissions, learned counsel has placed reliance on the judgments of this Court in *Varun @ Gullu vs. State of Haryana and others in CRM-M-34013 of 2009 (decided on 09.04.2010)* and *Mahammad Shehbaz vs. State of Punjab and others in CRWP No.3196 of 2022 (decided on 05.07.2022)*.

Per contra, learned State counsel has opposed the prayer made by the counsel opposite. He submits that in case the petitioner is released on parole, there is every likelihood that he could indulge in similar criminal activities for which he has been convicted and commit breach of peace, that is why his parole has been rejected by the District Magistrate. Learned State counsel has, however, not been able to controvert the fact that the petitioner stands acquitted in three criminal cases and has served his sentence in the fourth case.

Heard learned counsel for the parties and perused the relevant material available on record.

The petitioner has prayed for his release on parole for a period of six weeks to meet his family and to carry out necessary repairs in his house, which as per him are urgently required.

Division Bench of this Court in ***Jugraj Singh @ Bhola vs. State of Punjab, 2010(25) RCR (CrL) 138*** has held as under:

"It is also conceded position that the petitioner can be temporarily released on parole for four weeks under Clause (d) of sub-section (1) of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred to as 'the Act') to enable him to meet his family members. In our opinion, the release of a convict on parole is a wing of reformatory process. Section 3 of the Act has been enacted as a reformatory measure with an object to enable the prisoner to have family association or to perform certain family obligations and rituals. Until and unless sufficient material is available with the authorities giving solid reasons for declining the temporary release of a convict on parole, this benefit should not be declined to him. In the instant case, no such strong material or basis has been relied upon by the respondents while rejecting the prayer of the petitioner for releasing him on parole for four weeks to meet his family members."

Hon'ble Supreme Court in ***Babu Singh vs. State of UP, 1978 (1) SCC 579*** has also observed that "unremitting insulation in the harsh and hardened company of prisoners leads to many unmentionable vices that humanizing interludes of parole are part of the compassionate

constitutionalism of our system”.

In the present case, the petitioner has been in custody for a period of six years and 5 months approximately, and all these years, he has not been released on parole even once. It has not been disputed by the learned State counsel that the petitioner has maintained good conduct inside the prison and has been acquitted in the three out of the four cases, which were pending against him. Further a panchayat nama (Annexure P-1) also reveals that there is no apprehension of any threat to the peace of the village or any apprehension of the petitioner being involved in any illegal activities during the parole period.

In the circumstances, this Court does not deem it appropriate to deprive the petitioner of company of his family members and the opportunity to carry out repairs of his house. It needs to be reiterated that a prisoner does not stop being a human merely because he has been convicted for an offence and hence, cannot be deprived of the company of his loved ones.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on parole for a period of six weeks from the date of release on his furnishing requisite personal and surety bonds to the satisfaction of the District Magistrate concerned, and the said District Magistrate is directed to impose such conditions as may be considered necessary to secure the presence of the petitioner in jail after the parole period is over and to ensure that the temporary release is not misused by securing the bond of mandatory good conduct with a clear stipulation that

in case the petitioner commits any offence during his period of temporary release, his release warrants would be cancelled as provided in Rule 4 of Punjab Good Conduct Prisoners' (Temporary Release) Rules, 1963.

08.02.2023
sonia

(MANJARI NEHRU KAUL)
JUDGE

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