

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRWP-7576-2023

Date of Decision: 12.09.2023

Sukhpreet Singh @ Ghugi

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE LALIT BATRA**

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

Mr. Jashandeep Singh, Assistant Advocate General, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 13.02.2023 (Annexure R-2/T) whereby his application for release on parole has been rejected by the Deputy Commissioner, Barnala.

Learned counsel submits that it is alleged that the petitioner who was 23 years old at the time of the incident had sexually assaulted the prosecutrix, who was 17 years and 08 months old. They were in a relationship, had also got married and lived together for about 15 days. She further submits that the victim later on married another person and was blessed with a child. She is residing in her matrimonial house, which is in another village. The applicant/appellant is also involved in two cases including FIR No.35 dated 06.06.2015 under Section 379 IPC, registered at Police Station Bahadur,

District Barnala, and FIR No.128 dated 30.05.2015 under Section 379-B IPC, registered at Police Station City Barnala, District Barnala. In FIR No.35, the applicant/appellant was convicted and sentenced to pay fine of Rs.500/- and he has paid the fine. In FIR No.128, he was acquitted.

Learned State counsel has filed reply by way of affidavit of N.D.Negi, Superintendent Central Jail, Bathinda, which is taken on record. He while referring to the reply submits that the case of the petitioner for his release on parole had been rejected as the complainant along with victim girl has stated that there would be threat to their life if the petitioner is released on parole. He further submits that although this is not stated in the affidavit but as per the custody certificate there is another case against the petitioner i.e. FIR No.183 dated 30.09.2020 under Section 324 IPC read with Section 34 IPC, registered at Police Station Cantonment Bathinda, wherein he is on bail.

Heard.

The petitioner has been sentenced to undergo rigorous imprisonment under Section 6 of POCSO Act for a period of 20 years and to pay fine of Rs.2,00,000/-. He is stated to be involved in two other cases but he has been sentenced to fine only in one case and acquitted in another case. There is no mention in the affidavit filed on behalf of respondent-State about any other case registered against the petitioner, but even if another case is pending, as stated by the State counsel, the petitioner is on bail in that case. He is stated to be 23 years old at the time of the incident. The victim is married and is residing at her matrimonial house which is stated to be at some distance from the residence of the petitioner.

The case of the petitioner for release on parole has been rejected primarily on the ground that the victim has expressed her concern that his release would affect the security of the State. It is difficult to comprehend as to how the release of one individual will threaten the security of the State. It is the duty of the Police to maintain law and order and to ensure that no untoward incident takes place. It is desirable for a convict to maintain contact with the society which will help in his reformation and on his release after serving the sentence, he would become a responsible citizen.

Consequently, the petition is allowed and the impugned order is set aside. The petitioner shall be released on parole for a period of four weeks subject to his furnishing requisite surety bonds to the satisfaction of the competent authority. He shall surrender to the concerned Jail after a period of four weeks by 05:00 p.m.

At the time of the release of petitioner, the SHO of Police Station Bhadaur, District Barnala, would be informed. The petitioner shall furnish his mobile number to the SHO and keep his mobile location on till his surrender.

(ANUPINDER SINGH GREWAL)
JUDGE

12.09.2023

Varinder Prashad

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No