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

CRWP-7793-2023

Date of decision: 8.8.2023

GAURAV KAMBOJ

...Petitioner

Versus

U.T. CHANDIGARH AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLR MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Gurbir Singh Sandhu, Advocate
for the petitioner.

Mr. Deepinder Brar, Addl. P.P., U.T. Chandigarh

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner has been convicted and sentenced by the learned Trial Court, Chandigarh, on 26.08.2022, to undergo imprisonment for 20 years, in FIR bearing No.69 of 24.8.2020, registered under Sections 363, 366, 376(2)(n) of IPC and under Section 6 of the POCSO Act, registered at Police Station Sector 19, Chandigarh.
2. The above made verdict of conviction, and, consequent therewith sentence(s) (supra), as became imposed upon the convict, has been challenged by him through his rearing a criminal appeal bearing No. CRA-D-769-2022, before this Court.
3. During the pendency of the appeal (supra) before this Court, the convict preferred the instant petition, claiming therein the relief of his becoming released on parole, rather for the relevant purpose. The authority concerned, after eliciting the report of the District Magistrate, Karnal, has made a declining order on the relevant application, and, the above declining order, which becomes enclosed in Annexure P-2 to the instant petition, has led the petitioner to access this Court.
4. A reading of the declining order (Annexure P-2) reveals, that the presence

of the petitioner in the area concerned, thus is dangerous to the security of State and also is prejudicial to the maintenance of public order, thus upon the convict being released on parole. However, the above purported adverse effect on the society, rather becoming engendered, upon the petitioner becoming released on parole, is not founded upon any credible and tangible evidence. Therefore, since in the wake of the above, the declining order (supra) is obviously made with a complete lack of application of mind, and/or is surmisely drawn, therefore, the same is required to be rejected.

5. Therefore, the petition is allowed, and, the impugned order (Annexure P-2) is quashed and set aside. The petitioner is ordered to be released on parole for two weeks, from the prison concerned, and, with an undertaking therein that immediately on expiry of the afore period, he shall re-step into the prison concerned. The stepping outside the prison of the convict-petitioner shall commence in the evening of 10.8.2023, and, shall last uptill the morning of 24.8.2023.

6. If the above condition is breached, and, the petitioner does not re-step into the prison concerned, immediately on the expiry of two weeks, i.e. on 24.8.2023, thereupon, liberty is reserved to the jurisdictional SHO concerned, to forthwith arrest the petitioner, and, to thereafter produce him before the jurisdictional Magistrate concerned, for the latter making an order for the petitioner becoming committed to the prison concerned.

(SURESHWAR THAKUR)
JUDGE

08.08.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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