

2023:PHHC:136493-DB

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-8331-2023(O&M)
Date of Decision : 19.10.2023

KULDEEP KUMAR AND ANOTHER ...Petitioners

Versus

STATE OF PUNJAB AND OTHERS ...Respondents

Coram : Hon'ble Mr. Justice Anupinder Singh Grewal.

Hon'ble Mr. Justice Lalit Batra.

Present : Mr. Dhawaljeet Dutta, Advocate for the petitioners.

Mr. Iqbal Singh Mann, Deputy Advocate General, Punjab.

Anupinder Singh Grewal, J. (Oral)

[1] The petitioners are seeking their release on parole for a period of 56 days for agriculture purpose.

[2] Learned counsel for the petitioners submits that the petitioner No.1 Kuldeep Kumar has been convicted under Section 302 IPC whereas petitioner No.2 has been convicted under Section 302 read with Section 34 IPC in FIR No.156 dated 20.11.2020, registered at Police Station Tibber, District Gurdaspur. They have undergone an actual sentence of 02 years, 10 months and 20 days and are not involved in any other criminal case.

[3] Learned State Counsel has filed reply by way of an affidavit of Harbhajan Singh, PPS, Superintendent, Central Jail, Gurdaspur along with Annexures R-2 to R-4, which is taken on record. It has been stated in the affidavit that the case of the petitioners for pre-mature release had been rejected as the report had been submitted by the Senior Superintendent of Police, Pathankot, that their release on parole would pose threat to the State security and there is risk of disruption of peace and order in the State.

[4] Heard.

[5] The petitioners have undergone an actual sentence of 02 years, 10 months and 20 days and are not involved in any other criminal case. A bare reading of the impugned orders indicates that their case had been rejected on the ground that their release would pose threat to the State security and there is risk of disruption of peace and order in the State. It is difficult to comprehend as to how the release of the petitioners who are undergoing their sentence in a case under Section 302 IPC and are not involved in any other criminal case would endanger the security of the State. It is manifest that the orders rejecting the case of the petitioners shows non-application of mind. It is desirable that the convicts are released on parole to enable them to maintain their ties with society to enable their reformation as responsible and law abiding citizens of the country after their release from prison.

[6] Consequently, the petition is allowed and the impugned orders dated 21.07.2023 rejecting the parole of the petitioners are set aside. The petitioners shall be released on parole for a of 04 weeks from the date

of their release subject to their furnishing requisite surety bonds to the satisfaction of the competent authority. They shall surrender before the concerned jail authorities after expiry of their parole period.

(ANUPINDER SINGH GREWAL)
JUDGE

19.10.2023

(LALIT BATRA)
JUDGE

d.gulati

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