

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

CRWP-9956-2022

Date of Decision: 09.01.2023

Sukhdev Singh @ Sukha

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Ruhani Chadha, Advocate,
for the petitioner.

Mr. Navneet Singh, Sr. DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

The present criminal writ petition has been filed under Articles 226 and 227 of the Constitution of India read with Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 praying for issuance of directions to the respondents to grant 8 weeks parole to the petitioner to meet his family members.

Counsel for the petitioner has submitted that in similar circumstances, the relief for parole to the co-convict namely Jagjeet Singh was also rejected on the same grounds, which order was set aside in CRWP No. 6663 of 2022 on 11.10.2022 (Annexure P-2). It is accordingly pointed out that a stereo-type order again was passed and the present case would also be covered by the observations made in *Jagjit Singh's case (supra)*. Admittedly, the impugned order also goes on to show that the petitioner is in custody since 08.02.2019 and this was his first parole application as per the

07.05.2017 under Sections 307, 353, 186, 332, 224, 148, 149 and 120-B IPC registered with P.S. Kot Ise Khan, District Moga, he has been released on anticipatory bail in CRM-M-22390-2017 on 12.01.2018. Regarding FIR No. 97 of 2017 registered under Sections 15, 27, 61 and 85 of the NDPS Act, P.S. Mehna, District Moga, he has been granted regular bail by this Court vide order dated 07.01.2020 and he was involved in the said case only on the basis of disclosure statement of the co-accused.

Keeping in view the above, we are of the considered opinion that for the reasons given in *Jagjit Singh's case (supra)*, the present petition is liable to be allowed.

Ordered accordingly. The impugned order passed by the District Magistrate dated 02.05.2022 (Annexure P-1) is quashed. The petitioner be released on parole for a period of 6 weeks on furnishing of requisite bail bonds/surety bonds to the satisfaction of the competent authority. He shall surrender back to the jail authority, after the expiry of the parole period.

Petition stands allowed accordingly.

(G.S. SANDHAWALIA)
JUDGE

09.01.2023
shivani

(GURBIR SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No