

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

CRWP-10844-2022 (O&M)
Date of decision:- 10.01.2023

Kamal Hassan

.... Petitioner

Vs.

The State of U.T., Chandigarh and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. H.S. Jaswal, Advocate
for the petitioner.

Mr. C.S. Bakshi, Addl. P.P., U.T., Chandigarh.

MANISHA BATRA, J. (ORAL)

The present petition has been filed by the petitioner-Kamal Hassan under Article 226 of the Constitution of India for setting aside order dated 31.10.2022 (Annexure P-3) passed by Inspector General of Prisons, U.T., Chandigarh, whereby the request of the petitioner for grant of parole had been rejected.

The present petition has been filed by the petitioner on the ground that he was held guilty and convicted by the Court of learned Additional Sessions Judge, Chandigarh vide judgment of conviction and order dated 14.08.2019, in case bearing FIR No.298, dated 13.12.2016

Industrial Area, Chandigarh. He had been sentenced to undergo life imprisonment. Appeal bearing No.CRA-D-219 of 2020 has been filed by him against the said judgment, which is pending before this Court.

The petitioner approached office of Inspector General of Prisons, U.T., Chandigarh to release him on parole for 28 days to meet his family members, which was duly recommended by respondent No.2, Superintendent, Model Jail, Chandigarh. After receiving the report from the District Magistrate, Ayodya, Inspector General of Prisons, U.T., Chandigarh, (respondent No.1) rejected the parole vide the impugned order dated 31.10.2022. Feeling aggrieved, he has filed the present petition.

Learned counsel for the petitioner contended that the petitioner was in jail from the last about 4 years, 9 months and 28 days. He was entitled for parole period of 84 days in a calendar year. There was no apprehension of his absconding or disturbing law and order. Hence, it was urged that the petitioner be released on parole for a period of four weeks.

On the other hand, learned State counsel has opposed the prayer made by petitioner by way of reply filed in the Court, which is taken on record. It is submitted that the petitioner has undergone 4 years, 9 months and 28 days of actual sentence as on 10.01.2023. The parole case of the petitioner was duly initiated and was rejected by Inspector General of Prisons, U.T., Chandigarh on the basis of verification report of District Magistrate, Ayodya. There were chances of petitioner's disturbing the State security and maintenance of public order if extended benefit of parole. Hence, it was urged that the petition did not deserve to be allowed.

We have heard learned counsel for the parties.

The only reason given by Inspector General of Prisons, U.T.,

Chandigarh for rejecting the prayer made by the petitioner is that his release might disturb the law and order and may lead to danger to the State security and further that he might abscond. This apprehension, however, is not substantiated by any material and hence cannot be made a ground to reject the prayer made by the petitioner. It is relevant to mention that Section 3(1)(aa) of the Punjab Good Conduct Imprisoners' (Temporary Release) Act, 1962, permits temporary release of prisoner on parole on the grounds as mentioned therein. The petitioner wants to meet his family members. He has never been released on parole earlier.

Taking all these circumstances into consideration, the petition is hereby allowed. Impugned order dated 31.10.2022 is set aside. The petitioner is ordered to be released on parole for a period of four weeks subject to his furnishing personal/surety bonds to the satisfaction of the concerned District Magistrate.

Concerned District Magistrate, may impose such conditions as may be necessary to secure the presence of the petitioner in jail after the parole is over and to ensure that the temporary release is not misused.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

10.01.2023

pooja saini

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