

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

105+225

**CRWP-11190-2022 (O&M)
Date of Decision: 20.02.2023**

Baldev Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Rahul Rampal, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

Harinder Singh Sidhu, J.

The petitioner has been convicted vide judgment dated 23.03.2021 in case FIR No.212 dated 06.10.2018, under Section 376 IPC and Section 6 of POCSO Act, 2012 registered at Police Station Daba, District Ludhiana, and sentenced to undergo imprisonment for 20 years.

The petitioner has moved an application for release on parole for eight weeks to meet his family as the same was however rejected vide impugned order dated 16.09.2022. While rejecting the case of the petitioner, it was noticed that the petitioner is a resident of Street No.1, Mohalla Gagan Nagar, Daba, District Ludhiana. He lives in the neighbourhood of the victim

and if the petitioner comes on parole, the complainant and her family could face threat to their life and the atmosphere could be disturbed.

When the case came up for hearing on 31.01.2023 taking in account the ground for denial of parole, learned counsel for the petitioner had submitted that the mother of the petitioner would submit an undertaking by way of affidavit and during the period of parole, the petitioner would not reside in his residence which is in the neighbourhood of the victim and that the petitioner would abide by the affidavit submitted by his mother.

Today, an affidavit of Manjit Kaur (mother of the petitioner) wife of Sampuran Singh has been filed, wherein it is stated that “*while on parole/furlough period, petitioner will not stay/visit at family residence i.e. Gali No.1, Mohalla Gagan Nagar, Ward No.73, Daba Lohara Road Giaspura, Police Station Daba, District Ludhiana, Punjab, till time he will be on parole/furlough*”. This affidavit takes care of the concern on the basis of which the parole was denied to the petitioner.

Accordingly, the present petition is accepted and the petitioner is directed to be released on parole for a period of four weeks on furnishing the requisite bail bonds to the satisfaction of Competent Authority and he shall surrender back in time in jail premises on the expiry of said period after his release.

The petitioner shall also abide by the undertaking contained in the affidavit (Annexure P/4) and he will not visit or stay at Gali No.1, Mohalla

Gagan Nagar, Ward No.73, Daba Lohara Road Giaspura, Police Station Daba,
District Ludhiana, Punjab.

Since the main case is allowed, the pending miscellaneous
application stands disposed of accordingly.

(HARINDER SINGH SIDHU)
JUDGE

20.02.2023
Varinder Prashad

(LALIT BATRA)
JUDGE

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