

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

**CRWP No.11672 of 2022 (O&M)
Date of decision : April 12, 2023**

Daljit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Dr. Bandana Trikha Sachdev, Advocate for petitioner.

Mr. Mohit Kapoor, Additional A.G. Punjab.

HARINDER SINGH SIDHU, J.

Petitioner, who is undergoing life imprisonment in case FIR No.36 dated 23.03.2014 registered under Sections 302/314 IPC and Sections 25/27 of the Arms Act, Police Station Tarn Taran, District Tarn Taran, has filed the instant petition praying for quashing order dated 26.10.2022 (Annexure P-1), whereby, his case for grant of parole has been rejected.

Vide the impugned order dated 26.10.2022, the District Magistrate/Deputy Commissioner, Tarn Taran, on inquiry from Senior Superintendent of Police, Tarn Taran, has rejected the request of petitioner for grant of parole while observing as follows :-

“The Superintendent of Central Jail Sri Goindwal Sahib vide his office letter No.1235 dated 09.06.2022, has recommended and forwarded the regular parole case of the convict to the Deputy Commissioner's office. The Deputy Commissioner forwarded his case for verification to the Senior Superintendent of Police vide letter: Reader/D.M./652 dated 20.06.2022. But the Senior Superintendent of Police, Tarn Taran, vide letter number:59621/B/A/C-3 dated 04.10.2022 has not recommended his regular parole, with the mentioning that if he is released on parole, then there will be an apprehension of a breach of peace and maintenance of

public order. A criminal case is registered against him. Based on the Senior Superintendent Police (Tarn Taran) report, the Deputy Commissioner, Tarn Taran, has rejected his parole.

*Sd/-
Deputy Commissioner
Tarn Taran”*

Dated: 26.10.2022

Dr. Bandana Trikha Sachdev, Ld. counsel for the petitioner has submitted that the appeal against conviction (CRA-D-56-2019) of the petitioner is pending in the High Court. She has contended that the request of the petitioner for parole has been wrongly rejected on the ground that in case of his release there will be an apprehension of breach of peace and maintenance of public order.

Ld. counsel has argued that the report of the SSP, Tarn Taran is without any material and consequently, the impugned order passed considering the said report, is not justified. It is also contended that there is no material in the impugned order or any other report which would justify the assertion that there is apprehension of breach of peace and maintenance of public order in the event of the release of the petitioner on parole.

Dr. Trikha has further referred to the documents Annexures P-2, P-3 and P-4, which are the affidavits of the Sarpanch and Panches of village Koharaka, District Tarn Taran, which state that if the petitioner is released on parole, the Panchayat has no objection to his coming to the village. They have also taken responsibility of his return to jail after the parole period.

Reply by way of affidavit of Vijay Kumar, Additional Superintendent, Central Jail, Shri Goindwal Sahib, has been filed, wherein, it is stated that 08 weeks parole case of the petitioner was duly recommended and forwarded to the District Magistrate, Tarn Taran vide communication dated 09.06.2022. The District Magistrate forwarded the same to the office of Senior

Superintendent of Police, Tarn Taran on 20.06.2022 for obtaining police verification report. The SSP did not recommend the release of the petitioner apprehending breach of peace and maintenance of pubic order.

Section 6 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short “the Act”) specifically provides that notwithstanding anything contained in Sections 3 and 4 no convicted prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or an officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the State or the maintenance of public order.

In the impugned order passed by the District Magistrate, Tarn Taran, there are no justifiable reasons given or material indicated to record a finding that the release of the petitioner is likely to endanger the security of the State or the maintenance of public order. Hence, the impugned order cannot sustain.

As per Section 3(2-A) of the Act a convicted prisoner may be released on regular parole for sixteen weeks, during a calender year which shall be availed of on quarterly basis.

Accordingly, the petition is allowed. The order dated 26.10.2022 (Annexure P-1) is quashed. Respondents are directed to release the petitioner on parole for a period of four weeks subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of the parole period.

(HARPREET SINGH BRAR)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

April 12, 2023

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No

