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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-11129-2023 (O&M)
Date of decision: 14.12.2023

Sanjiv

... Petitioner

Vs.

The State of U.T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Shashank Bhandari, Addl. PP, U.T. Chandigarh.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed for setting aside the order dated 20.10.2023 passed by respondent No.1-Inspector General of Prisons, U.T. Chandigarh, vide which prayer made by the petitioner for releasing him on parole for a period of 28 days was rejected.

Learned counsel for the petitioner submits that the request of the petitioner to release him on parole to meet his family members stands rejected by the competent authority vide impugned order dated 20.10.2023 on the ground that the local police had objection to his release on parole and none of the neighbours was ready to take the responsibility and even the petitioner did

not have any address proof. It is further submitted that the petitioner was earlier released on parole on the given address and he surrendered before the jail authorities after availing the parole and had not misused the concession and therefore, the impugned order, which is passed in an arbitrary and illegal manner, is liable to be set aside.

Vide order dated 07.12.2023, learned Addl. PP, U.T. Chandigarh was directed to clarify the position about the conduct of the petitioner, which is stated to be not satisfactory as per para No.10 of the reply by way of an affidavit dated 07.12.2023 filed by the Additional Superintendent of Jail, CPS, U.T. Chandigarh.

Fresh reply by way of an affidavit dated 13.12.2023 of the Additional Superintendent of Jail, CPS, U.T. Chandigarh has been filed in the Court today and the same is taken on record. From perusal of para No.6 of said affidavit, it is apparent that no substantive material has been indicated, which may reflect misconduct on the part of the petitioner.

Learned Addl. PP, U.T., Chandigarh is unable to dispute the said factual position.

Heard learned counsel for the parties.

A perusal of the impugned order shows that same has been passed in an arbitrary manner without application of judicious mind. As noticed above, no material has been placed on record reflecting the misconduct of the petitioner, which was made basis for passing the impugned order. It is undisputed position that earlier also, the petitioner had been released on parole

and he had surrendered before the jail authorities, without misusing the said concession.

Accordingly, the present criminal writ petition is allowed. The impugned order dated 20.10.2023 passed by respondent No.1-Inspector General of Prisons, U.T. Chandigarh is set aside and the petitioner is ordered to be released on parole for a period of four weeks from the date of release subject to his furnishing requisite surety bonds to the satisfaction of the competent authority.

The petitioner will surrender before the jail authorities after expiry of aforesaid period of parole.

[SUDHIR SINGH]
JUDGE

[SUMEET GOEL]
JUDGE

14.12.2023
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No