

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.11926 of 2023
Decided on :15.12.2023

Manju Devi

.....Petitioner

VERSUS

State of UT Chandigarh and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Hoshiar Singh Jaswal, Advocate for the petitioner.

Mr. Manish Bansal, PP UT Chd with
Mr. Navjit Singh, Advocate and
Mr. Ankush Singla, Advocate
for the respondent-UT.

ANUPINDER SINGH GREWAL, J (ORAL)

1 The petitioner is seeking a direction to the respondents to temporary release her on Parole/Furlough on her personal bond. She is stated to have been convicted under Section 302 and 201 IPC in FIR No.43 dated 12.04.2016 and sentenced to undergo rigorous imprisonment for life and to pay fine of Rs.12,000/-, in default of payment of fine, to further undergo rigorous imprisonment for 01 year and 02 months. She is stated to have undergone actual sentence of over 7 years.

2 Learned counsel for the petitioner submits that petitioner had applied for temporary release which has been accepted by the Competent Authority but a condition of furnishing a surety in the sum of Rs.20,000/- was imposed. The petitioner is a poor lady and has not been able to arrange the surety. He, therefore, submits that she be temporary released on parole/furlough on furnishing personal bond of Rs.20,000/-. He relies upon the judgment of the Hon'ble Supreme Court passed in '*SMWP (Criminal) No.4/2021 decided on 31.01.2023*' wherein the directions have been issued for avoiding the delay in releasing of prisoners after getting bail and it has been held that if the bail bonds are not furnished within one

month from the date of grant of bail, the concerned Court may suo moto take up the case and consider whether the conditions of bail require modification/relaxation. He further submits that the petitioner is ready to appear before the Police Station Sarangpur, Chandigarh, which is close to her house as per conditions imposed by the Court.

3 Learned counsel for the respondent-U.T. Chandigarh submits that the petitioner is a resident of Chandigarh and it would be difficult for her to arrange surety. In the alternative he has suggested that if this Court is granting the benefit of release on personal bond then she be directed to appear before the Police Station.

4 The applicant is stated to be a poor lady and has not been able to furnish surety bonds. She is convicted under Section 302 IPC and sentenced to undergo life imprisonment. As per the custody certificate dated 06.07.2023, she has undergone actual sentence of 7 years, 2 months and 21 days. She is stated to have been granted the concession of parole/furlough on earlier occasions and had surrendered in jail on its expiry and did not misuse the concession.

5 Competent Authority shall release the petitioner on parole/furlough subject to her furnishing personal bonds in terms of order dated 17.02.2023 and 13.07.2023.

6 The petitioner is directed to appear before the Police Station Sarangpur, Chandigarh, which is stated to be near to her home on every Monday.

7 With the above observations, the petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

15.12.2023

kyoti3

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No