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

CRWP-345-2024 (O&M)

Date of decision : 20.05.2024

INDERJIT SINGH @ LALLY

...PETITIONER

VERSUS

UT CHANDIGARH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Ashish Pal Kaushal, Advocate
for the petitioner.

Mr. Manish Bansal, PP, U.T. Chandigarh with
Ms. Diksha Sharma, Advocate for respondents.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition the petitioner prays for setting aside/quashing of order dated 25.10.2023 (Annexure P-3), passed by the Inspector General of Prisons, Chandigarh, whereby his request for seeking parole so as to meet his family members stands declined.

2. Having been arrayed as an accused in FIR No.59 dated 14.02.2001, under Sections 302, 397, 452 and 34 IPC at Police Station Sector 34, Chandigarh, vide judgment dated 22.08.2003 passed by the Additional Sessions Judge, Chandigarh, the petitioner was convicted and sentenced to undergo life imprisonment.

3. Aggrieved thereof, the petitioner approached this Court by way of an appeal bearing ***CRA-D-826-DB-2003 titled as "Indejit Singh Vs. U.T. Chandigarh"*** which came to be dismissed vide judgment dated



09.12.2015. Being in custody, the petitioner moved an application for seeking parole to meet his family members and the said prayer stands declined vide order dated 25.10.2023, passed by Inspector General of Prisons U.T. Chandigarh, which has been impugned before this Court.

4. Learned counsel for the petitioner submits that the prayer made by the petitioner was primarily declined on the ground that he was neither having any address proof nor his neighbour took responsibility on his behalf during the parole period. He further submits that the petitioner would appear before the SHO of Police Station Sector- 36, Chandigarh on every Saturday. He also submits that the petitioner may not be treated dangerous to the society and that no hindrance towards the maintenance of the public order would be caused.

5. On the other hand, learned Public Prosecutor U.T. Chandigarh submits that petitioner does not deserve the concession of parole. He vehemently argues that the petitioner has no permanent address nor even any of his relative is ready to take his responsibility during the parole period. He also submits that the petitioner is involved in one more FIR registered in Himachal Pradesh.

6. I have heard learned counsel for the parties and gone through the paper book.

7. Though one of the consideration which weighed upon the Authority concerned while passing the impugned order was that the release of the petitioner would likely be dangerous to the Security of the State Government and maintenance of public order, however, no substantive



material has been relied/referred by the authority concerned while passing the impugned order thus making it unsustainable.

7.1 In "**Jugraj Singh @ Bhola v. State of Punjab and other**", reported as 2010 (25) RCR (Criminal) 138, a Division Bench of this Court observed that until and unless sufficient material is available with the authorities giving solid reasons for declining the temporary release of a convict on parole, this benefit should not be declined to him. Relevant para from this judgment is reproduced hereunder:-

".....In our opinion, the release of a convict on parole is a wing of reformatory process. Section 3 of the Act has been enacted as a reformatory measure with an object to enable the prisoner to have family association or to perform certain family obligations and rituals. Until and unless sufficient material is available with the authorities giving solid reasons for declining the temporary release of a convict on parole, this benefit should not be declined to him....."

7.2 Similarly, a coordinate bench of this court in "**Jeet Singh v. State of Punjab**", reported as 2020(3) R.C.R.(Criminal) 516, held that in the absence of any material to support the apprehension, parole cannot be denied on mere likelihood of involvement in similar offence while on parole as it cannot be taken as an active and real apprehension of threat to the security of the State or to the maintenance of public order. Relevant para from this judgment is reproduced hereunder:-

"13. In the backdrop of the case law discussed above, facts of the present case may be examined. There is nothing on record to show that conduct of the petitioner in jail has not been found good. The



petitioner has never been released on parole earlier. He is involved in three other cases, out of which he was acquitted in one case and in the remaining two cases, he was convicted and sentenced to the period already undergone and was ordered to pay fine which he has deposited. No doubt, the other three cases in which the petitioner was involved were also under the Narcotic Drugs and Psychotropic Substances Act, 1985, yet the likelihood of his involvement in similar offence while on parole is not to be taken as an active and real apprehension of threat to the security of the State or to the maintenance of public order as held in Manjit Singh @ Laddu's case (supra). Moreover, the respondents have not placed on record any material to support the apprehension. Merely on the basis of an apprehension, benefit of parole cannot be denied."

8. Given the current facts of the case, a review of the record reveals that the petitioner has been in custody for the past 8 years, 2 month, and 15 days. The petitioner is requesting parole solely to visit his family, which is crucial for his physical and mental well-being. In **Jugraj Singh's** case (supra), it was observed by the division bench that the release of a convict on parole is a wing of reformatory process and Section 3 of the Act has been enacted as a reformatory measure with an object to enable the prisoner to have family association or to perform certain family obligations and rituals.

8.1 In "**Iqbal Singh v. State of Punjab**", reported as 2024(1) R.C.R.(Criminal) 271, it was held by a division bench of this court that to meet their families by the prisoners is very essential for their emotional health and certainly and certainly it is a "sufficient cause" to release a prisoner on parole. Relevant para from this judgment is reproduced hereunder:-



“8. As per sub-section (1) (d) of Section 3 of the Act, upon the satisfaction of the State Government in consultation with the District Magistrate, a prisoner can be temporary release for any sufficient cause. As per the custody certificate, Annexure R-1, attached with the reply filed by the State, the petitioner has undergone a total period of 04 years, 04 months and 25 days as on 31.01.2023 and during this period he has never been released even once on parole. Even during the trial, he was in custody for a period of 03 years, 07 months and 13 days. The petitioner has requested for his temporary release to meet his family members and to look-after his household affairs. To meet their families by the prisoners is very essential for their emotional health and certainly it is a "sufficient cause" to release a prisoner on parole. The petitioner is not a hardcore prisoner. Neither there are any grounds for declining him parole as mentioned under Section 5-A of the Act.”

9. In view of the discussion made above, the aforesaid prayer made on behalf of the petitioner *qua* grant of parole is allowed for a period of four weeks’. The impugned order stands set aside accordingly. Petitioner to ensure his presence in return post after completion of parole period. The petitioner would present himself before the Police Authorities/SHO Sector-36 Chandigarh, on weekly basis on each Saturday, while being on parole and would also furnish his address wherever he would reside during the parole period.

10. All the pending applications, if any, stand disposed of.

(HARKESH MANUJA)
JUDGE

20.05.2024

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Whether speaking/reasoned ? Yes/No

Whether Reportable ? Yes/No