

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARHSr. No.209CRWP-370-2024Date of decision : 25.09.2024

Jagjit Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr.Prateek Pandit, Advocate, for the petitioner.

Mr.Rahul Jindal, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

1. Through the instant petition the petitioner seeks quashing of order dated 29.05.2023 passed by the Deputy Commissioner, Kapurthala, denying parole to the petitioner on the ground that he is a habitual offender and if released on parole he will disturb the peace and atmosphere in the locality.
2. On 24.03.2014, FIR No.32 was registered against the petitioner under Sections 302, 307, 324, 148 and 149 IPC at Police Station Sadar, Kapurthala. After investigation the State filed a report under Section 173 Cr.P.C. on the basis whereof he was charged and then put to trial which ended in his conviction. Accordingly, he was sentenced to undergo life imprisonment. Fine of Rs.3,20,000/- was also imposed on him. On 10.03.2023, when the petitioner had undergone actual custody period of about four years, he filed an application under Section 3(4) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 seeking therein parole for eight weeks to meet his family members. Through the impugned order dated 29.05.2023 passed by the Deputy Commissioner, Kapurthala the parole sought by the petitioner was denied on the ground that there were several criminal cases registered against him and therefore, being a habitual offender it was apprehended that if he is released on



parole it would result in breach of peace. Such order is challenged through the instant petition.

3. Learned counsel for the parties have been heard.

4. In the custody certificate produced before this Court it is acknowledged by the State that in pursuance to his conviction under Sections 302, 307, 324, 148 and 149 IPC the petitioner has undergone actual custody of 04 years 09 months and 28 days and that there is no other criminal case pending against him. That being so, we inquired from the learned State counsel with regard to the cases which have been referred to in the impugned order declining the petitioner parole only to be informed that in all the criminal cases (except the present one) which had been lodged against the petitioner, he has either been acquitted or after investigation cancellation reports have been filed by the State which have also been accepted by the concerned Courts.

5. In the light of the above, the reason behind denying parole to the petitioner has no legs to stand. Resultantly, we quash the impugned order and direct release of the petitioner on parole for eight weeks especially when it not denied by the State that the petitioner’s conduct in prison for the last over 4½ years has been satisfactory.

6. The petition is allowed in the above terms.

[DEEPAK SIBAL]
JUDGE

25.09.2024
shamsher

[DEEPAK MANCHANDA]
JUDGE

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