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

**CRWP-1266-2024 (O&M)**

**Date of decision: July 19, 2024**

Jora Singh alias Bittu

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MR. JUSTICE KARAMJIT SINGH**

**Present:-** Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Kuljeet Singh, Additional AG Punjab.

**SUDHIR SINGH, J. (ORAL)**

Present petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of Certiorari for setting aside order dated 21.12.2023 (Annexure P-2) passed by respondent No.3, whereby, release of the petitioner, on parole, for a period of 08 weeks, to enable him to meet his family members and other relatives, has been declined.

2. Learned counsel for the petitioner submits that petitioner is a convict in FIR No.22 dated 04.04.2021, under Sections 363, 376, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 4 of the Protection Of Children from Sexual Offences Act, 2012 (for short 'POCSO Act'), registered at Police Station Sadiq, and presently is undergoing his sentence at Central Jail, Faridkot. It is further submitted that the petitioner has preferred an appeal against his conviction/ sentence before this Hon'ble Court, which is pending adjudication.

2.1. Learned counsel submits that vide impugned order dated 21.12.2023 (Annexure P-2), parole of the petitioner for 08 weeks was rejected on the ground that release of the petitioner may cause distress to the complainant and the victim

girl. Learned counsel for the petitioner further submits that the victim girl is no longer residing in the village of the petitioner as she has been married and is currently residing with her in-laws in another village.

3. Vide order dated 18.07.2024, when the matter came up for hearing, learned State counsel was directed to verify the factum of marriage of the victim girl and her current residence.

4. Today on the resumed hearing, learned State counsel does not controvert the factual position that the victim is no longer residing in the same village. He has tendered statement dated 18.07.2024 of the victim recorded by Nachhattar Singh, ASI, P.S. Sadiq, which has been taken on record and marked as 'X'. The said statement reads as under:-

*“Statement of Rajvir Kaur wife of Lakhvir Singh resident of Kaneanwali Kalan, District Sri Muktsar Sahib, aged 20 years*

*Stated that I am resident of above mentioned address and doing labour work. I have been married with Lakhvir Singh s/o Kartar Singh r/o Kaneanwali Kalan about 1¼ year before and I have a daughter from this marriage who is 09 months old. I am living with my husband Lakhvir Singh with my own consent and volition. My matrimonial village Kaneanwali Kalan is located at a distance of 30 km from Village Gujjar and I usually visiting my parental house at Village Gujjar with my husband with an interval of one or two months. I have no apprehension. Statement got recorded, heard and admitted correct.”*

5. We have heard learned counsel for the petitioner as well as learned State counsel and have also perused the case file.

6. From the perusal of impugned order, it is borne out that the sole ground taken for rejection of parole to the petitioner is that release of the petitioner might cause distress to the complainant and victim girl. However, as of now the fact remains that the victim, after her marriage, is currently residing at her matrimonial village, which is different from the village of the petitioner.

7. In view of the above, we set aside the impugned order dated 21.12.2023 (Annexure P-2) and grant 4 weeks' parole to the petitioner commencing from the date of release, subject to his furnishing fresh bonds to the satisfaction of

the competent authority/Duty Magistrate. The period of 04 weeks shall be counted from the date of his release. The releasing Court/ Duty Magistrate shall also notify the dates of release and surrender of the petitioner. The petitioner shall surrender before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate. After surrender, the petitioner shall furnish a surrender certificate. The State counsel shall also file a report apprising this Court about the surrender of the petitioner.

8. With the aforesaid observations/ directions, the instant petition is disposed of.

9. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)  
JUDGE

(KARAMJIT SINGH)  
JUDGE

July 19, 2024

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No