



206-A
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-2467-2024 (O&M)
Date of decision: October 15, 2024

Mohammad Munna
.....Petitioner

versus

State of Punjab and others
.....Respondents

CORAM: HON’BLE MR. JUSTICE SUDHIR SINGH
HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Arora, Advocate for the petitioner.
Mr. Kuljit Singh, Additional AG Punjab.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed under Article 226 of the Constitution of India, seeking quashing/setting aside of order dated 15.02.2024 (Annexure P-5) passed by respondent No.2-Deputy Commissioner, Jalandhar, whereby an application of the petitioner for grant of emergency parole, under Sections 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short ‘Prisoners Act’), for a period of 08 weeks, in order to meet and look after his family and for doing household work, has been declined.

2. Learned counsel for the petitioner submits that the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of 20 years for commission of offence punishable under Section 376-AB of the Indian Penal Code, 1860 (for short ‘IPC’) vide judgment and order dated 27.05.2022 passed by learned Additional Sessions Judge, Jalandhar. He has preferred an appeal against aforesaid judgment and order before this Court, which is pending adjudication.

2.1. Learned counsel submits that vide application dated 19.06.2023 (Annexure P-1), the petitioner had applied for grant of eight weeks' parole. The Superintendent of Jail, Kapurthala, vide its letter dated 27.06.2023 (Annexure P-2), recommended the case of the petitioner for grant of parole to the District Magistrate, Jalandhar, but no action was taken thereon. Being aggrieved, the petitioner earlier approached this Court by way of CRWP-643-2024. Vide order dated 23.01.2024 (Annexure P-4), the Coordinate Bench of this Court directed the respondents to pass a speaking order on the application of the petitioner.

2.2. Learned counsel further submits that vide impugned order dated 15.02.2024 (Annexure P-5), respondent No.2 has rejected the application of the petitioner for grant of parole.

3. On the other hand, learned State counsel submits that a short reply by way of affidavit dated 05.04.2024 has already been filed on behalf of respondents No.1 and 3. He submits that the Senior Superintendent of Police, Jalandhar Rural, vide its letter dated 13.02.2024, sent verification report, and on the basis thereof, the District Magistrate, Jalandhar rejected the application of the petitioner for grant of parole.

4. We have heard learned counsel for the parties and perused the case file.

5. Earlier, the criminal writ petition filed by the petitioner was disposed of vide order dated 23.01.2024 (Annexure P-4) by a Coordinate Bench of this Court, with direction to the respondent concerned to pass a speaking order on the application of the petitioner. Subsequently, vide impugned order dated 15.02.2024 (Annexure P-5), the case of the petitioner for grant of parole has been rejected.

Relevant part of para-3 thereof reads thus:-

“3. xx xx xx xx

A bare perusal of report of the Senior Superintendent of Police, Jalandhar (Rural) would reveal that prisoner is not permanent resident of Village Beas Pind, PS Adampur, district Jalandhar. He is permanent resident of Village Mustfapur, PO Vaya Naga, District Mujafarnagar, Bihar. It has also been revealed from the police report that prisoner has no relative(s) and property in village Beas Pind, district Jalandhar. Moreover, none of the prominent persons of the village have taken his guarantee of going back to jail after availing parole. It has further been reported that prisoner alongwith his mother may abscond during parole and release of prisoner on parole may disturb law and order, therefore, his parole is not recommended. It has also been reported that above report is being sent keeping in view the observations passed by the Hon'ble Punjab & Haryana High Court in Cr. Misc. No.34013 of 2009. Keeping in view the fact that prisoner is not a permanent resident of Village Beas Pind district Jalandhar rather he is permanent resident of district Mujafarnagar, Bihar, therefore, State has every apprehension that he will abscond from the process of law, no case for grant of parole is made out. In view of the above-mentioned facts and report of Senior Superintendent of Police, Jalandhar (Rural), I hereby reject the application for grant of eight weeks parole of prisoner No.5205 Mohmmad Munna s/o Mohammad Tabul r/o Village Mustfapur, PO Vaya Naga, District Mujafarnagar, Bihar. A copy of this order be sent to Senior Superintendent of Police, Jalandhar (Rural). Besides this, a copy be also sent to Superintendent, Central Jail, Kapurthala with the direction to serve a copy of this order to the concerned prisoner under proper receipt and intimation to this effect be sent to this office immediately.”

6. Perusal of the aforesaid impugned order shows that the case of the petitioner for grant of parole was rejected on the basis of verification report sent by the Senior Superintendent of Police, Jalandhar Rural whereby, it was reported that the petitioner/convict is a temporary resident of the village Beas residing on a rented accommodation along with his mother having no relative or property in the said village; and in case, the petitioner is released on parole, there is a possibility of the convict along with his mother running away, and risk of disruption of the law and order.

7. Apart thereform, it is worth mentioning that the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of 20

years for commission of offence punishable under Section 376-AB of the IPC vide judgment and order dated 27.05.2022 passed by learned Additional Sessions Judge, Jalandhar. CRA-D-1102-2022 against the aforesaid judgment and order is pending adjudication before this Court. The petitioner had also preferred an application bearing CRM-21710-2023 in the aforesaid appeal seeking suspension of his sentence during the pendency of the appeal. The said application has been dismissed as withdrawn vide order dated 15.10.2024.

8. In view of the fact that the offence committed by the petitioner is grave in nature and the fact that if released on parole, there is an apprehension of law and order situation in the locality, no case for interference is made out.

9. Dismissed.

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

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

October 15, 2024

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No