



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

**CRWP No.4547 of 2023
Date of Decision : 24.5.2024**

Shobh Nath

.....Petitioner

Versus

UT Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saurabh Singla, Advocate, for the petitioner

Mr. J.S. Toor, APP, UT, Chandigarh and
Mr. Adhiraj Toor, Advocate, for UT, Chandigarh

SANDEEP MOUDGIL, J (ORAL)

The petitioner has challenged the order dated 22.2.2023 whereby his application for release on parole has been rejected.

2. Learned counsel for the petitioner submits that the petitioner had approached this Court after rejection of his application for parole on seven previous occasions. This Court had allowed those seven petitions and the petitioner had been released on parole. His conduct was good and he had surrendered before the expiry of the period of parole. The competent authority has once again rejected the case of the petitioner on similar grounds which had been set aside by this Court in utter disregard of Section 6 (1) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

3. Learned Additional Public Prosecutor for respondent – U.T.



Chandigarh, while referring to the reply submitted that the report was sought from the District Magistrate and as the report indicated that the release of the petitioner on parole could endanger the peace and law and order and he can commit crime during the parole period, his application had been rejected.

4. Heard.

5. The petitioner has sought his release on parole in terms of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act. He had earlier on seven occasions sought his release on parole, availed the same and had surrendered in time. There does not appear to be anything adverse against his conduct. The petitioner is not stated to be involved in any other case. It is difficult to accept that he on his release on parole is likely to commit another offence especially when he had been released on parole on seven previous occasions and no untoward incident was reported during that period. A bare reading of the impugned order indicates that the case of the petitioner has once again been rejected on the ground of adverse report being received from the District Magistrate. It is manifest that the case of the petitioner for his release on parole has been repeatedly rejected on the same grounds which did not find favour with this Court and seven previous petitions were allowed and the impugned orders had been set aside. It is difficult to comprehend as to why the respondent No.1 is repeatedly rejecting the case of the petitioner for his release on parole, although there is nothing adverse against his conduct by disregarding the provisions of Section 6 (1) of the Punjab Good Conduct Prisoners (Temporary Release) Act which is set out as under:-



6. Cases where consultation with District Magistrate not necessary or where prisoners are not to be released.-

Notwithstanding anything contained in sections 3 and 4 –

(1) It shall not be necessary to consult the District Magistrate where the State Government is satisfied that the prisoner maintained good conduct during the period of his earlier release under any of the aforesaid sections.

6. It is manifest from reading of Section 6 (1) of the Punjab Good Conduct Prisoners (Temporary Release) Act that if the convict has maintained good conduct during the period of his release on parole on an earlier occasion there is no need to obtain report from the District Magistrate. Therefore, we have no hesitation in setting aside the impugned order dated 22.2.2023 (Annexure P-2).

7. Consequently, the petition is allowed and the impugned order is set aside. The petitioner shall be released on parole for a period of four weeks subject to his furnishing requisite surety bonds to the satisfaction of the competent authority.

(SANDEEP MOUDGIL)
JUDGE

24.5.2024

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No