

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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CRWP No.3922 of 2024.
Date of Decision: 22.07.2024.

Jasvir Singh @ Nota

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE LAPITA BANERJI

Present: Mr. Jagdeep Singh Bajwa, Advocate for the petitioner.

Mr. H.S. Sullar, Senior Deputy Advocate General, Punjab.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 09.01.2024 (Annexure P-2), whereby his application for release on parole has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner has been convicted under Sections 354, 376, 506 IPC and Section 8 of POCSO Act and sentenced to undergo rigorous imprisonment for 20 years in FIR No.182 dated 29.10.2021, registered at Police Station Mahilpur, District Hoshiarpur. The petitioner has undergone an actual sentence of around three years and, therefore, he is fully eligible to be released on parole.

3. Learned State counsel while referring to the reply filed on behalf of respondent No.4 submits that the case of the petitioner was rejected on the ground that petitioner may abscond on his release on parole.

4. Heard.

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5. The petitioner has been convicted in the afore-noted case and is undergoing his sentence. He has undergone sentence of around three years. His case for release on parole has been rejected on account of an adverse report from Senior Superintendent of Police, Hoshiarpur, that on his release on parole, he is likely to abscond. It is difficult to comprehend as to how the petitioner would abscond in case he is released on parole. The petitioner has undergone actual sentence of around three years. It is necessary for a convict to maintain his contact with society to enable his reformation and transform him into a responsible citizen at the time of his release after completion of sentence. Consequently, we are of the considered view that impugned order (Annexure P-2) has been passed without application of mind. Thus, impugned order (Annexure P-2) rejecting the case of the petitioner for release on parole is unsustainable and deserves to be set aside.

6. Consequently, the petition is allowed and the impugned order dated 09.01.2024 (Annexure P-2) is set aside. The petitioner shall be released on parole for a period of six weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and on expiry of six weeks, he shall surrender to the concerned jail.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

22.07.2024
jitender

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No