



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

225

**CRWP No.4457 of 2024 (O&M).
Date of Decision: 29.10.2024.**

Sandeep Shab @ Shau

....Petitioner.

VERSUS

State of U.T., Chandigarh and others

....Respondents.

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

Present: Mr. Hoshiar Singh Jaswal, Advocate for the petitioner.

Ms. Roopsee Sharma, Advocate for
Mr. Anil Kumar Lamdharia, Additional P.P., U.T., Chandigarh.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 25.01.2024 (Annexure P-1), whereby his application for release on parole has been rejected.

2. Learned counsel for the petitioner submits that the petitioner has been convicted under Section 6 of the POCSO Act and sentenced to undergo rigorous imprisonment for 20 years in FIR No.67 dated 25.04.2022, registered at Police Station Sector-31, Chandigarh. The petitioner has undergone an actual sentence of 2½ years and he is not involved in any other criminal case and, therefore, he is fully eligible to be released on parole. The case of the petitioner for release on parole has been erroneously rejected on the adverse report received from District Magistrate, Sultanpur (U.P.). It is unfair to hold the view that the petitioner would abscond during the period of parole.

3. Learned counsel appearing for respondent-UT while referring to the reply filed on behalf of respondents 1 and 2 submits that the case of the petitioner was rejected on the ground that petitioner is likely to violate the terms and conditions and may abscond on his release on parole.

4. Heard.

5. The petitioner has been convicted in the afore-noted case and is undergoing his sentence. He has undergone sentence of around 2½ years and he is not involved in any other criminal case. His case for release on parole has been rejected on account of an adverse report from Senior Superintendent of Police, Sultanpur, that on his release on parole, he is likely to violate the terms and conditions and may abscond. It is difficult to comprehend as to how the petitioner would abscond in case he is released on parole. 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 dated 25.01.2024 (Annexure P-1) has been passed without application of mind. Thus, impugned order (Annexure P-1) 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 25.01.2024 (Annexure P-1) is set aside. The petitioner shall be released on parole for a period of four weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and on expiry of four weeks, he shall surrender to the concerned jail.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

29.10.2024

jitender

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