

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

273

CRWP No.4986 of 2024.
Date of Decision: 11.07.2024.

Salman

....Petitioner.

VERSUS

The State of U.T. Chandigarh and others

....Respondents.

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

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

Mr. J.S. Toor, Additional Public Prosecutor,
U.T., Chandigarh.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 14.05.2024 (Annexure P-1), whereby his application for release on parole has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner has been convicted under Section 4 of the POCSO Act, Sections 363 and 366 IPC and sentenced to undergo rigorous imprisonment for 20 years in FIR No.94 dated 17.07.2022, registered at Police Station Mauli Jagran, Chandigarh. Although the petitioner has been convicted in a solitary case and has undergone an actual sentence for over 01 year and 11 months, his case for release on parole has been rejected on the ground that an adverse report has been received from the District Magistrate, Saharanpur.

3. Learned counsel for respondent-UT while referring to the reply submits that the case of the petitioner was rejected as an adverse report had been received from the District Magistrate Saharanpur, who in turn had relied upon the report of Senior Superintendent of Police, Saharanpur, which suggested that the release of the petitioner on parole is dangerous to public maintenance.

4. Heard.

5. The petitioner has been convicted in the afore-noted case and is undergoing his sentence. He has undergone total sentence of 02 years and 01 month. 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, Saharanpur as his release would endanger public maintenance. It is difficult to comprehend as to how the release of the petitioner who is involved in a single criminal case and has undergone actual sentence of almost two years, would endanger law and order. 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. The report of the Senior Superintendent of Police, Saharanpur appears to be without application of mind. The 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 14.05.2024 (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

11.07.2024
jitender

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