



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

224

CRWP-5184-2024.**Date of Decision: 18.11.2024.**

Jagdish Singh

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

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

Present: Ms. Satinder Kaur, Advocate for the petitioner.

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

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged orders dated 21.12.2023 (Annexure P-2) and dated 29.12.2023 (Annexure P-3), whereby his application for release on parole has been rejected.

2. Learned counsel for the petitioner submits that petitioner has been convicted in FIR No.143 dated 14.10.2020 registered under Sections 302, 326, 323 of IPC, Police Station Dayalpura, District Bathinda and has been sentenced to undergo rigorous imprisonment for life. She submits that the petitioner has undergone an actual sentence of 04 years. His case for release on parole has been rejected on the ground that wife of the petitioner is opposing his release on parole. She however, submits that wife of the petitioner is residing in her paternal village, namely, Gill Kalan, Tehsil Rampura Phul, District Bathinda. The aged mother of the petitioner is

residing at their ancestral home in Village Adampura which is at a distance of 40 kms from the village where the wife of the petitioner is residing. The mother of the petitioner is suffering from various ailments as is evident from medical report (Annexure P-7). She submits that the petitioner undertakes not to visit Village Gill Kalan during the period of his release on parole and will not try to harm her in any manner, therefore, he is fully eligible to be released on parole.

3. Learned State counsel upon instructions from ASI Paramjit Singh submits that wife of the petitioner is residing with her parents at her paternal village Gill Kalan, which is at a distance of 30 kilometers from village Adampur, where the mother of the petitioner is residing at the ancestral home.

4. Heard.

5. The petitioner had been convicted under Sections 302, 326 and 323 IPC and sentenced to undergo rigorous imprisonment for life in FIR No.143 dated 14.10.2020, registered at Police Station Dayalpura, District Bathinda and is undergoing his sentence. It is alleged that petitioner, after a quarrel with his wife, in a fit of rage, had thrown their six months old child against a pillar, resulting in her death. The petitioner is stated to have undergone an actual sentence of 04 years. His aged mother is stated to be suffering from various ailments. The case of the petitioner for release on parole has been rejected on the ground that his wife is opposing to his release on parole. It is manifest that wife of the petitioner is residing at her paternal village, which is at a distance of 30 kilometers. 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 orders (Annexures P-2 and P-3) rejecting the case of the petitioner for release on parole is clearly unsustainable and deserves to be set aside.

6. Consequently, the petition is allowed and the impugned orders (Annexures P-2 and P-3) are 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. During the period of parole, the petitioner shall reside at his native village and shall not enter the territorial boundary of village Gill Kalan, where his wife is residing.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

18.11.2024
jitender

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