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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision : 31.07.2024

Balwinder Singh @ Makhan Singh

... Petitioner

Versus

State of Punjab and others

.. Respondents

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

Present:- Mr. Ankur Jain, Advocate for the petitioner.

Mr. Harmandeep Singh Sullar, Senior DAG, Punjab.

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**Anupinder Singh Grewal, J. (Oral)**

The petitioner has challenged the order dated 19.04.2024 (Annexure P-1) whereby his application for release on parole has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner, who has undergone an actual sentence of 04 years & 07 months, is fully eligible for release on parole but his case has erroneously been rejected by the respondents.

3. Learned State counsel has filed reply by way of an affidavit of Superintendent, Central Jail, Shri Goindwal Sahib which is taken on record. He, while relying on the reply, submits that the case of the petitioner for his release on parole has been rightly rejected as there is an apprehension that he may abscond and there is threat to law and order of the State.

4. Heard.

5. The petitioner has been convicted under Section 302 IPC in FIR No. 453 dated 31.12.2019 registered at Police Station Sadar, Tarn Taran and sentenced



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to undergo rigorous imprisonment for life. He is stated to have undergone an actual sentence of 04 years and 07 months. He appears to be eligible to meet the criteria set out under the Punjab Good Conduct Temporary Release Amended Act, 1988. His case for release on parole had been recommended by the jail authorities but in the impugned order, it has been recorded that there is apprehension of the petitioner absconding and it would lead to a law and order problem. It is difficult to comprehend as to how the release of the petitioner would endanger the law and order situation. There does not seem to be any basis to arrive at the conclusion that the petitioner is likely to abscond. It is necessary for a convict to maintain his contact with the society which would facilitate his reformation and transform him into a responsible citizen at the time of his release after completion of sentence. 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 19.04.2024 (Annexure P-1) 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

July 31, 2024  
sonia gugnani

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |