

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-6505-2023 (O&M)
Date of Decision:-26.4.2024

Kashmir Singh @ Sheera

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajpreet Singh Brar, Advocate for the petitioner.

Mr. Vishavjit Singh Virk, DAG, Punjab,
assisted by ASI Harjit Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 22.5.2023 (Annexure P-1) passed by respondent No.3 – District Magistrate, Gurdaspur vide which an application filed by the petitioner for grant of parole so as to meet members of his family, has been declined mainly on account of previous conduct of the petitioner inasmuch as on an previous occasion he had absconded while availing parole.
2. Learned counsel for the petitioner submitted that it was more than 10 years back in the year 2011 that the petitioner had jumped parole and that, as such, on account of efflux of time, the same cannot be taken into account for declining parole at this stage.

3. On the other hand, learned State counsel submitted that apart from the aforesaid conduct when the petitioner jumped parole and remained absconding for almost 3 years, the antecedents of the petitioner are also not above board inasmuch he has been involved in 10 more cases and although he stands acquitted in 7 of such cases, but stands convicted in 3 of these cases, which include offences under Narcotic Drugs and Psychotropic Substances Act and Arms Act.
4. This Court has considered rival submissions addressed before this Court.
5. The petitioner as on date has barely undergone a sentence of about 2 years out of the imposed sentence of 10 years. Still further, the petitioner seeks parole by vaguely mentioning that parole is sought to settle household affairs without delineating the specific reasons. This Court in judgment dated 27.2.2023 rendered in CRWP-7882-2022 titled Deepak Kumar Versus State of Punjab and others, held that provisions of Section 3(1)(d) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 cannot be invoked for casual meeting with family members.
6. In view of the aforestated position, this Court does not find any ground to interfere with the impugned order. The instant petition, as such, is dismissed. However, it is clarified that the aforesaid order is not to be treated as a bar for considering the case of petitioner again as and when any appropriate application is moved.

26.4.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No