

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

221 CRWP No.6360 of 2024.
Date of Decision: 07.08.2024.

Simrandeep SinghPetitioner.
VERSUS
State of Punjab and othersRespondents.

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 order dated 13.05.2024 (Annexure P-3), whereby his application for release on parole has been rejected.

2. Learned counsel for the petitioner submits that although the petitioner is fully eligible for release on parole in terms of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, but the respondents had erroneously declined the application preferred by the petitioner. The petitioner is not involved in any other criminal case besides the case in which he had been conducted and he has undergone an actual sentence of over 01 year and 07 months therefore, he is fully eligible to be released on parole.

3. Learned State counsel while referring to the reply filed on behalf of respondents, which is taken on record, submits that case of the petitioner for release on parole has been rejected as adverse report had been received from the Senior Superintendent of Police, Bathinda.

4. Heard.

5. The petitioner has been convicted under Section 4 of POCSO Act

and Section 363 IPC in FIR No.210 dated 10.12.2022 registered at Police Station Kotwali, District Bathinda and has been undergoing his sentence. He has undergone an actual sentence of over 01 year and 07 months. His case for release on parole has been rejected on account of adverse report received from Senior Superintendent of Police, Bathinda. It is difficult to comprehend as to how the Senior Superintendent of Police, Bathinda has arrived at a conclusion that release of petitioner on parole will have a bad impact on the society and is a threat to the security of the State. 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 impugned order appears to be without application of mind and is clearly unsustainable. Consequently, we do not find any impediment in releasing the petitioner on parole. Thus, impugned order dated 13.05.2024 (Annexure P-3) 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 13.05.2024 (Annexure P-3) 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

07.08.2024
jitender

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