



CRWP-7079-2024(O&M)

1

218

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-7079-2024(O&M)
Date of Decision: 08.08.2024

MOHAMMAD JAVED

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

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

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Ms. Seena Mand, Addl. A.G., Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 14.07.2024 (Annexure P-1) whereby his application for release on parole for 08 weeks has been declined.

2. Learned counsel for the petitioner submits that application of the petitioner for his release on parole has been erroneously declined on the ground that the villagers have objected the release of the petitioner on parole. It is further submitted that the petitioner was on bail during the trial and did not misuse the concession of interim bail and had been appearing before the trial Court on each and every date.

3. Learned State counsel has filed the reply by way of affidavit of Superintendent, Central Jail, Kapurthala. She while referring to the reply submits that District Magistrate, Saharanpur in whose jurisdiction the petitioner permanently resides had sent a report that the petitioner has committed a



serious crime and in case he is released on parole he would tamper the evidence and influence the witnesses.

4. Heard.

5. The petitioner was convicted vide order dated 30.08.2022, under Section 376-D, 342 and 34 IPC in FIR No.89 dated 28.06.2019, registered at Police Station Kartarpur, District Jalandhar (Rural) and sentenced to undergone rigorous imprisonment for 20 years along with fine of Rs.50,000/- and in default thereof, to undergo rigorous imprisonment for 01 year. He is stated to have undergone an actual sentence of over 03 years, 02 months and 03 days out of 20 years.

6. As per the custody certificate submitted by the Superintendent, Central Jail, Kapurthala, the petitioner does not appear to be involved in any other criminal case besides the case where he has been convicted and has undergone the sentence of 03 years, 02 months and 03 days out of 20 years. The basis of the impugned order is the report of the District Magistrate which appears to be without application of mind. The petitioner has already been convicted and therefore, there would be no question of tampering the evidence and influencing the witnesses. It is necessary for a convict to maintain contact with the society which would facilitate his reformation and transform him into a responsible citizen on his release after completion of the sentence.

7. Consequently, the petition is allowed and the impugned order is set aside. The petitioner-Mohammad Javed would be released on parole for a period of six weeks subject to his furnishing necessary surety bonds to the



CRWP-7079-2024(O&M)

satisfaction of the competent authority and on expiry of six weeks, he shall
surrender before the concerned jail by 5:00 PM.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

08.08.2024

Prince

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