

2024:PHHC:025001-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.7529 of 2023(O&M)
Date of Decision:22.02.2024

Kuldeep Kumar @ Deepi

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MS. JUSTICE AMARJOT BHATTI**

Present: Mr. Amit Agnihotri, Advocate
for Ms. Bandana Trikha, Advocate
for the petitioner.

Mr. R.S.Pandher, DAG., Punjab.

LISA GILL, J(Oral).

1. Petitioner challenges rejection of his request for grant of parole for eight weeks vide communication dated 24.04.2023. The matter of said communication reads as under:-

“In reference to the regular parole of the convict Kuldeep Kumar S/O Prem Kumar of eight weeks. This office has received your Letter for the regular parole of eight weeks of the convict Kuldeep Kumar S/O Prem Kumar. You have sent letter to the Deputy Commissioner’s office vide Letter GI/P-1/15402 and also a letter of the Deputy Commissioner Anti Gangster Taskforce, Punjab, vide Letter no: 4525-28 dated 09.11.2022 with the remark that the convict has links with Gangster and he can abscond during parole.

The above Letter for parole was put up before Deputy Commissioner-CUM-District Magistrate, Hoshiarpur, and they have rejected the parole.

This is for your information.”

2. Perusal of file reveals that document dated 24.04.2023 attached as Annexure P-1, is a communication indicating rejection of petitioner’s

request for parole. In this view of the matter, it was directed by this Court on earlier occasions that copy of order passed by the District Magistrate, Hoshiarpur, rejecting the request for parole should be placed on record/furnished in Court.

3. Learned counsel for the respondent-State, has furnished copy of noting sheet, whereby petitioner’s case for parole was put up with reference to a note of Additional Director General of Police, Anti Gangster Taskforce, Punjab and the proposal is for rejection of petitioner’s case for parole which is accepted. There is no indication of scrutiny of material on record to substantiate such averment against petitioner. It is apparent that after considering the material on record, independent opinion has not been formed by the District Magistrate. Neither is there any reference to the fact that petitioner was granted the benefit of parole earlier and had surrendered on time and the effect thereof. Speaking order deciding the request for parole addressed by petitioner has clearly not been passed.

4. At this stage, learned counsel for respondent-State, on instructions from the District Magistrate, Hoshiarpur, submits that case of petitioner shall be considered afresh in accordance with law.

5. Let needful be done within a period of two weeks from receipt of certified copy of this order. Copy of speaking order so passed be communicated to petitioner.

6. Petition is accordingly disposed of.

(LISA GILL)
JUDGE

(AMARJOT BHATTI)
JUDGE

February 22, 2024.

s.khan

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.