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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-7344-2024(O&M)

Date of Decision: 14.08.2024

Malkiat Singh

. . . . PETITIONER

Vs.

State of Punjab and others

. . . . RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: None for the petitioner.

Mr. Dhruv Dayal, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. This is a petition seeking parole in terms of Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary) Release Act, 1962.
2. The petitioner is convicted for offence under Section 376(D) and Sections 3 and 4 of the POCSO Act in FIR No.112 dated 10.07.2019.
3. It is submitted that the accused/petitioner is undergoing his sentence at Central Jail Faridkot. He moved an application seeking parole for a period of 8 weeks. A report was asked from the concerned police official. The DSP, Nihal Singh Wala, District Moga has sent a report, wherein it has been stated that the Panchayat Members and other respectable members of the village would have no objection, if the prisoner is granted parole. In the same report, he further states that if the prisoner is released on parole, there is

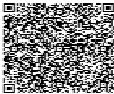


apprehension of his being Proclaimed offender and there is threat to State Security/Maintenance of public order.

4. However, we find that the report does not mention about any previous case registered against the accused/petitioner or there is any incident of violence in the prison by him. Moreover, the conduct of the petitioner has not been stated to be wrongful. We find that the report of the DSP, Nihal Singh Wala is without application of due mind and basis.

5. We have also noticed that in relation to granting of regular parole the reports being filed by the police are causal and on general grounds which are not related to the concerned individual and recommendation is made for not releasing them on parole. Parole is granted under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 with a purpose that convicts undergoing sentence may have chance to meet their family members or on account of some emergency which may occur in their family. If the conduct of the prisoner is above board and they have not committed any heinous crime, or they are not involved in several cases, ordinarily parole should be granted and the matter should not come up to the level of this Court.

6. However, on account of the casual reports being filed by the police officials, we are burdened with such parole petitions. In this regard, we direct the Director General of Police, Punjab to pass appropriate directions to all his subordinate officials/officer(s) to be careful in submitting reports relating to release of prisoners on parole.



7. Compliance report be submitted to this Court by the office of Director General of Police, Punjab.

8. With the aforementioned observations, the present petition is allowed. The petitioner is entitled to regular parole under the Act, 1962 and accordingly we grant him parole as per rules for a period of eight weeks from the date of release and he shall accordingly surrender before the jail authorities on expiry of period of eight weeks.

8. All pending misc. application(s) also stand disposed of.

9. Registry is directed to send a copy of this order to the office of Director General of Police, Punjab.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SANJAY VASHISTH)
JUDGE

August 14, 2024

Rashmi

1. Whether speaking/reasoned?	Yes/No
2. Whether reportable?	Yes/No