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

CRWP-7607-2024 (O&M)
Date of decision: August 20, 2024

Inderbir Singh
....Petitioner
versus
State of Punjab and others
....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. Sandeep Verma, Advocate for the petitioner.
Mr. Kuljit Singh, Additional AG Punjab.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking issuance of a writ in the nature of Mandamus for directing the respondents to initiate the process for release of the petitioner on parole for a period of 08 weeks to enable him to meet his family members, and other relatives.

2. Learned counsel for the petitioner submits that the petitioner has been convicted and sentenced in FIR No.260 dated 01.09.2021, registered under Sections 363, 366-A, 376, 506 of IPC and Section 4 of the POCSO Act, at Police Station City Faridkot. Against his aforesaid conviction/ sentence, the petitioner has also preferred an appeal bearing No.CRA-D-490-2024 before this Court, and the same is pending adjudication.

2.1. Learned counsel further submits that the petitioner has maintained good conduct while his confinement in the jail. He submits that in June 2024, the petitioner had applied for parole for a period of 08 weeks, but the same was not entertained stating that the Code of Conduct is underway and there is no power with the Jail Superintendent to decide parole cases. A legal notice dated 13.06.2024 (Annexure P-1) has also been served upon respondent No.3, in this regard.

3. On the other hand, on advance service of copy of petition, learned State counsel appears and opposes issuance of notice of motion. He has tendered an affidavit dated 19.08.2024, in course of hearing, and the same is taken on record. Learned State counsel submits that the petitioner's parole application was considered and has been forwarded to respondent No.4, for verification. Following statement has been made, in para-5, of the aforesaid affidavit:-

“5. That after submission of requisite documents, the petitioner's parole application was considered and has been forwarded to the office of respondent no.4 i.e. District Magistrate, Faridkot vide letter no.4146 dated 16.08.2024 for verification as required under the Punjab State Good Conduct Prisoners (Temporary Release) Act, 1962 and Amendment Act, 2017 (hereinafter called as 'The Act') which is still pending with the respondent no.4 (District Magistrate Faridkot).”

4. Given the nature of order being passed, there is no necessity to seek a reply by any of the respondents as no further proceedings and/or pleadings are required.

5. Without commenting on merits of the case, the petition is disposed of with a direction to respondent No.4 to consider and decide the pending application for parole, of the petitioner, and pass an appropriate

reasoned order, in accordance with law, preferably within a period of 04 weeks from the date of receipt of copy/ production of this order.

6. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(KARAMJIT SINGH)
JUDGE

August 20, 2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No