

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRWP-8176-2023(O&M)

Date of Decision:-25.04.2024

Balwinder Singh @ Vidhia Sarpanch.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Verma, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the present Criminal Writ Petition under Articles 226/227 of the Constitution of India is for issuance of appropriate writ, order or direction especially in the nature of certiorari for setting aside order dated 08.08.2023 passed by the respondent no.3 (Annexure P-2) whereby the release of the petitioner on Parole for a period of 08 weeks to enable him to meet his family members and other relatives has been declined.

The Counsel for the petitioner contends that though he is shown to be an accused in 19 cases but as on date the petitioner is a convict in 08 cases. Therefore, the impugned order records that as many as 19 cases stands registered against the petitioner without considering the fact that in multiple cases he had been acquitted or cancellation report had been submitted. He therefore contends that the said order was liable to be set aside.

The Counsel for the State on the other hand has filed a reply by

way of affidavit dated 24.04.2024 of Mr. Rajiv Kumar Arora, PPS, Superintendent, Central Jail, Faridkot in the court today, which is taken on record. While referring to the said reply he contends that it is correct that the petitioner was a habitual offender whereas the fact of the petitioner being involved in 19 cases is incorrect. In fact the petitioner was a convict in only 09 cases.

I have heard counsel for the parties.

In view of the fact that the impugned order is premised on a wrong fact of the accused being an accused in 19 cases the said is set aside. The Appropriate Authority i.e. District Magistrate, Moga is directed to pass a fresh order keeping in view the fact that the petitioner is a convict in only 09 cases. Let the needful be done within a period of 04 weeks from the date of receipt of certified copy of this order.

Disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

April 25, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>