



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233

CRWP-7810-2024
Date of decision: 29.08.2024

SUBA SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vivek Aggarwal, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, challenge is thrown to the order dated 16.05.2024 (Annexure P-3), whereby, the relief of parole to the present petitioner has been rejected on the ground that, the Senior Superintendent of Police concerned, has not recommended the release of the present petitioner, as he apprehends danger of breach of peace and security, because of code of conduct, as implemented due to Lok Sabha Elections, 2024, and also due to the fact that the petitioner is quarrelsome in nature.
2. Learned counsel for the petitioner submits that in fact now the code of conduct is no more in force. Learned counsel for the petitioner further draws attention of this Court to the fact that petitioner has earlier availed the parole thrice i.e. from dated 25.11.2019 till 21.01.2020 (i.e. a period of 8 weeks), thereafter,



from 01.06.2020 till 08.04.2021 (i.e. a period of 8 weeks), and thereafter, from dated 06.10.2021, till 02.12.2021 (i.e. a period of 8 weeks), and had never defaulted in the said paroles, and returned back to prison within the stipulated time-frame.

3. Reply by way of affidavit dated 28.08.2024 of Sh. ND Negi, Superintendent, Central Jail Bathinda has been filed on behalf of respondent-State. The same is taken on record. Copy of the same has been supplied to the opposite counsel. Learned State counsel has supported the legality of the impugned order.

4. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition.

5. The impugned order is totally based upon conjectures and surmises, and there is no sufficient reasons to reject the parole of the present petitioner, rather the basic reason i.e. code of conduct of elections, 2024, which is no more in force, therefore, renders the impugned order legally not sustainable, therefore, requires interference.

6. The instant petition is **allowed**, and the order dated 16.05.2024 (Annexure P-3), is hereby **quashed**, and the petitioner is ordered to be released on 08 weeks parole, i.e. 01.09.2024 to 26.10.2024, on furnishing of requisite bail bonds and surety bonds, subject to the satisfaction of the learned Chief Judicial Magistrate/Illaq Magistrate/trial Court concerned, and he shall re-step into the prison on 26.10.2024, at 5:00 PM in the evening.

7. It is made clear that in case the petitioner fails to re-step into the prison on 26.10.2024 at 5:00 PM in the evening, the Station House Officer concerned, shall forthwith arrest the petitioner, and produce him before the learned



trial Court concerned, and thereafter, the latter shall take appropriate action in the said regard, in accordance with law.

8. The instant petition is **disposed** of accordingly.

29.08.2024
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(KULDEEP TIWARI)
JUDGE

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