



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRWP-8052-2024

Date of Decision: 22.08.2024

Amandeep Singh @ Amna

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

NIDHI GUPTA, J. (ORAL)

Prayer in the instant Criminal Writ Petition filed under Articles 226/227 of the Constitution of India, is for issuance of an appropriate writ, order or direction especially, in the nature of *Certiorari* for setting aside the order dated 04.04.2024 (Annexure P-1) passed by respondent No. 3-Superintendent, Central Jail, Faridkot, whereby the application of the petitioner for releasing him on parole for a period of 08 weeks to enable him to meet his family members and other relatives was declined.

Briefly, vide judgment dated 14.03.2023, passed by the learned Additional Sessions Judge, Moga, the petitioner was convicted in a case FIR No. 77 dated 01.09.2020 registered under Sections 302, 201 and 376 IPC and Section 4 of the Protection of Children from Sexual



Offences Act, 2012 at Police Station Ajitwal, Moga; and is undergoing imprisonment for 10 years, at present is confined in Central Jail, Faridkot. It is pertinent to mention here that at the time of alleged occurrence the victim was minor being 16 years of age.

Learned counsel for the petitioner submits that vide order (Annexure P-1) impugned herein, the application of the petitioner for releasing him on parole for a period of 08 weeks to enable him to meet his family members and other relatives was declined, on the apprehension that there is danger to the State security/maintenance of public order, because during investigation it has been found that the prisoner can involve in illegal activities if released on parole.

Learned counsel for the petitioner contends that subsequent to the passing of the impugned order (Annexure P-1), the State of Punjab has released a Policy vide Circular No. 15 dated 20.07.2024 and para No. 6 thereof, reads as under:-

“6. A mere disturbance of law and order leading to disorder is not the same as disturbance which subverts the public order. An apprehended breach of peace or the possibility of the prisoner committing a crime during the parole period, without anything more, would constitute a law and order problem and not problem touching public order. Apprehension of breach of peace can be dealt with by the State by invoking other provisions of the statute such as preventive measures provided to maintain peace and tranquility.”



After arguing for some time, when this Court is not inclined to interfere in the matter, learned counsel for the petitioner submits that he may be permitted to withdraw the present writ petition, with liberty to approach the concerned authorities again, with an application to decide the case of the petitioner afresh, in view of the policy dated 20.07.2024.

Permitted to do so.

Dismissed as withdrawn, with the liberty aforesaid.

22.08.2024

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No