

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.9388 of 2023 (O&M)
Date of Decision: 21.03.2024

Gurpreet Singh
..... Petitioner
Versus

State of Punjab and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sandeep Verma, Advocate for the petitioner.
Mr. Adesh Pal Singh, AAG, Punjab for the respondents.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 226 of the Constitution for quashing of the impugned order dated 25.07.2023 (P-2), whereby parole of the petitioner was declined by respondent No.3-District Magistrate, Moga.

(2) Contends that petitioner is in custody for the last 13 years; but his case has been rejected merely on account of the fact that he is a previous convict.

(3) Learned State Counsel on instructions opposed the prayer while submitting that petitioner has committed heinous crime and he is a habitual offender.

(4) Heard learned Counsel for the parties and perused the paper-book.

(5) It transpires that apart from the conviction in FIR No.1 dated 24.01.2010 registered under Sections 302, 307, 224 & 225 of the Indian Penal

Code, 1860, and Section 25 of the Arms Act registered at Police Station G.R.P., Abohar, petitioner has also been convicted in nine other cases and details of which are as under:-

“(i) FIR No. 122 dated 04.08.2003 U/s 392,395 of IPC PS Siwan, Kaithal convicted by Ld. court of Sh. Subhash Goyal Addl. Sessions Judge, Kaithal on 23.08.2007 and sentenced to undergo RI for 05 years with fine of Rs. 2000/- ID RI for 06 months.

(ii) FIR No. 36 dated 19.06.2006 U/s 458,356 of IPC & 25 Arms Act PS. Budhlada convicted by Learned Court of Sh. Naval Kumar Sub Divisional Judicial Magistrate, Budhlada on 11.05.2010 and sentenced to undergo RI for 03 years with fine of Rs. 500/- ID SI for 07 days in U/s 458 IPC RI for 02 years in U/s 356 IPC & RI for 03 years with fine of Rs. 500/- ID SI for 07 days in U/s 25 Arms Act (All the sentences shall run concurrently).

(iii) FIR No. 124 of 2006, Case No. 855 of 2007 Exh. 09 U/s 248 (2) IPC PS Manikpur, Vasai, District Thane convicted by the Learned Court of Sh. S.S. Ghare, Judicial Magistrate 1" Class-III, Vasai on 05.05.2015 and sentenced to undergo SI for 03 years.

(iv) FIR No. 06 dated 12.01.2006 U/s 382/34 of IPC PS Dayalpura convicted by Ld. court and sentenced to already undergone sentence with fine of Rs. 100/- on 10.11.2008, Fine paid in learned trial court.

(V) FIR No. 27 dated 18.04.2010 U/s 25 Arms Act PS Dayalpura convicted by Learned court of Sh. Kapil Dev Singla, Judicial Magistrate 1" Class, Phul, & sentenced to undergo RI 06 months with fine of Rs. 500/- ID RI 15 days on 29.01.2012.

(vi) FIR No. 31 dated 08.06.2010 U/s 382/34 of IPC PS. Samalsar convicted by Learned Trial court & sentenced to undergo RI 10 months with fine of Rs. 200/- ID RI 15 days on 27.01.2012. Fine paid at the jail gate.

(vii) FIR No. 34 dated 19.04.2010 U/s 382/34 of IPC PS Nihal Singh Wala convicted by learned Trial court on 05.05.2011 and sentenced to undergo RI 09 months with fine of Rs. 100/- and Fine paid in Learned Trial Court.

(viii) FIR No. 72 dated 21.03.2015 U/s 353,186 of IPC PS. Tripuri Patiala convicted by Ld. Court of Judicial Magistrate 1" Class, Patiala on 27.08.2018 and sentenced to undergo 02 years already undergone.

(ix) FIR No. 146 dated 22.10.2005 U/s 379 of IPC PS Nahianwala convicted by learned Court of Judicial Magistrate 1" Class, Bathinda on 05.11.2018 and sentenced to undergo RI for 01 year.”

(6) Moreover, in Para 4 of the reply dated 02.11.2023 of Superintendent, District Jail, Sri Muktsar Sahib, it is specifically alleged that in case petitioner is released on bail, “there is apprehension regarding maintenance of law and public order if the convict is released on parole and also there is apprehension that the convict will abscond during his release on parole”.

(7) In view of the above, this Court is not inclined to grant the concession of parole to the petitioner at this state.

(8) Accordingly, the present petition is dismissed.

(9) Pending application(s), if any, shall also stand disposed off.

21st March, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes