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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-10459-2024 (O&M)

Date of decision: December 09, 2024

Inderbir Singh

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON’BLE MR. JUSTICE SUDHIR SINGH
HON’BLE MR. JUSTICE JASJIT SINGH BEDI**

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

Mr. Kuljit Singh, Additional AG Punjab.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed under Article 226/227 of the Constitution of India, for setting aside impugned order dated 30.09.2024 (Annexure P-2) passed by respondent No.3, whereby, application of the petitioner for grant of parole for 08 weeks has been rejected.

2. Learned counsel for the petitioner submits that the petitioner is a convict in FIR No.260 dated 01.09.2021 under Sections 363, 376, 366, 506 of IPC and Section 4 of the POCSO Act, registered at Police Station City Faridkot. He further submits that the petitioner has preferred an appeal against his said conviction/ sentence before this Court, which is pending adjudication.

2.1. Learned counsel for the petitioner submits that earlier, the petitioner had filed a criminal writ petition bearing CRWP-7607-2024 for grant of parole for 08 weeks, and this Court vide order dated 20.08.2024, had

disposed of the same with a direction to respondent No.4 therein to consider and decide the pending application of the petitioner. He further submits that vide impugned order dated 30.09.2024 (Annexure P-2), respondent No.3 has rejected the said application of the petitioner.

2.2. Learned counsel submits that the petitioner seeks grant of parole for agriculture purposes on the contractual land, and further to take care of his family.

3. Vide order dated 25.11.2024, learned State counsel was directed to file response.

4. Today on the resumed hearing, learned State counsel has tendered, in course of hearing, reply by way of affidavit dated 07.12.2024, which is taken on record. He does not controvert the factum of conviction/sentence of the petitioner. He however, submits that application of the petitioner for grant of parole was rejected on the grounds that he does not own any land and rather does agriculture work by taking land on contract. Further, the petitioner is a hardcore prisoner and can abscond during parole. Apart from this, 02 more cases are registered against the petitioner, and release of the petitioner on parole can disrupt the law and order.

5. We have heard learned counsel for the parties and have gone through the case file.

6. Perusal of the aforesaid reply by way of an affidavit reveals that the petitioner has been in custody for more than 03 years out of 20 years. Concededly, land on which the petitioner does agriculture work is a continuous contractual land. For the said purpose, besides to take care of his family, the petitioner seeks grant of parole for 08 weeks.

7. In view of the above, the impugned order dated 30.09.2024 (Annexure P-2) is set aside, and the petitioner is granted 04 weeks’ parole commencing from the date of release, subject to his furnishing bonds to the satisfaction of the competent authority/Duty Magistrate. The period of 04 weeks shall be counted from the date of his release. The releasing Court/ Duty Magistrate shall also notify the dates of release and surrender of the petitioner. The petitioner shall surrender before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate. After surrender, the petitioner shall furnish a surrender certificate. The State counsel shall also file a report apprising this Court about the surrender of the petitioner.
8. With the aforesaid observations/ directions, the instant petition is disposed of.
9. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

December 09, 2024
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No