



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.1491 of 2014 (O&M)
Date of Decision: January 05, 2015

Surinder Kumar

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Kanisth Ganeriwala, Advocate
for the petitioner.

Mr.Neeraj Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this criminal writ petition under Article 226 of the Constitution of India praying for his release on parole for four weeks for the purpose of house repairs and meeting the family.

It is mainly stated in the petition that petitioner is in judicial custody for the last four years. The petitioner was sentenced on 21.11.2012 to undergo rigorous imprisonment for a period of ten years in case FIR No.299 dated 01.11.2009 under Section 15 of the NDPS Act registered at P.S. Sadar Banga, District SBS Nagar. The petitioner has filed an appeal against his conviction.

It is further stated in the petition that the petitioner has maintained good conduct in the jail while undergoing sentence and he

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has applied to respondent No.5 on 05.11.2013 for release on parole for house repairs and to meet the family members which was duly recommended on 06.12.2013 by respondent No.5. Thereafter, no action was taken and the petitioner filed a criminal writ petition before this Court in which the respondents were directed to decide the parole case within a period of six weeks. It is also stated in the petition that respondent No.2 rejected the parole case of the petitioner on the ground that the petitioner wanted to spend his parole period in the house of his sister Parvila and it is mentioned in the order that she is residing at the given address for the last 2½ years. It is further stated in the petition that sister of the petitioner Parvila and her husband are residing at the given address for the last more than 25 years and ration card in this regard (Annexure P-2) is attached.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per the impugned order dated 15.09.2014 (Annexure P-1), the Addl. Director General of Police (Jail Dept.), Punjab rejected the parole of the petitioner only on the ground that Parvila Rani, sister of the petitioner resides at Mohalla Santokhpura, Police Station Phillaur for about 2½ years and present petitioner wants to come on the above-said address to meet his family members. It is also in the order that as the residence of Parvila Rani has not been verified permanently, therefore, if the petitioner wants to go on leave then he

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may apply for parole on his original address Mohalla Sukhatpur Kajla Road Banga Police Station City Banga District SBS Nagar. No other ground has been mentioned for rejection of the parole. From the order dated 15.09.2014 itself it is clear that Parvila Rani is residing at the given address for the last 2½ years whereas the petitioner's case is that she is residing at the given address for the last so many years. Annexure P-2 is the ration card issued in the year 1993 showing family members of Parvila Rani residing at the given address. Annexure P-3 is the identity card issued on 20.11.2006. Annexure P-5 and Annexure P-4 are the Aadhar Cards of Parvila Rani and her husband respectively issued in the year 2012.

Keeping in view the above facts and circumstances, I find merit in the present petition and the same is allowed. The impugned order dated 15.09.2014 passed by the Addl. Director General of Police (Jail Dept.) Punjab is not as per law. The parole cannot be rejected only on the ground given in the order.

Therefore, the impugned order dated 15.09.2014 passed by the Addl. Director General of Police (Jail Dept.) Punjab is set aside. The Addl. Director General of Police (Jail Dept.) Punjab is directed to re-consider the matter and to pass fresh orders in view of the observations made in this order.

January 05, 2015
Vgulati

(INDERJIT SINGH)
JUDGE