

(1998) 11 P&H CK 0063

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 30678-M of 1998

Bali Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 16-11-1998

Acts Referred:

Citation : (1999) 1 RCR(Criminal) 498

Hon'ble Judges : R.L.Anand, J

Advocate : B.P.K. Brar, Advocates for appearing Parties

Judgement

R.L. Anand, J.

1. Notice to the State of Punjab. On the asking of the court, Mr. Randhir Singh, DAG, Punjab, accepts notice.

2. Bali Singh has filed the present petition under Section 482, Cr.P.C. read with Article 226 of the Constitution of India, for quashing the order dated 7.10.1998, annexure P1, passed by respondent No. 1, rejecting the parole case of the petitioner.

3. Petitioner earlier applied for parole vide Crl. Misc. 22424M of 1998. Hon"ble M.L. Singhal, J. vide order dated 31.8.1998 gave the directions to the respondents to consider the case of the petitioner and decide the same within one month from the receipt of the copy of the order. In order to circumvent the order of the High Court, the State has decided vide Annexure P1 to dismiss the request of the petitioner on the ground that the case regarding the release of the petitioner on parole was sent to the District Magistrate/S.S.P. for verification. The report of the District Magistrate was not based on facts and, therefore, it was again sent vide office letter dated 10.9.1998. The same has not been received despite the issuance of a reminder and PPM. Therefore, complying with the orders of the High Court, in the absence of the report of the District Magistrate, the prayer for parole has been rejected.

4. The reasons which have been adopted by the respondent authorities in declining the case of the petitioner are far from satisfactory. Instead of pulling up the concerned District Magistrate for the lapse committed by him in not reporting the matter to the authorities, the stress and burden has been shifted upon to petitioner who is not in a position to manage the report of the District Magistrate. A favourable report came for the benefit of the petitioner but it has not been approved by the I.G., Prisons. If the I.G., Prisons, wanted a fresh report from the District Magistrate, it was obligatory on the part of the District Magistrate to send the requisite report and the noncompliance on the part of the District Magistrate speaks volumes on his part. The poor petitioner who is a convict cannot be made to suffer.

5. In this view of the matter, I strike down and quash the order, Annexure P1, and directions are given to the District Magistrate, Amritsar to release the petitioner on parole for a period of four weeks, forthwith on receipt of this order, provided the petitioner furnished the bail bond surety bond in the sum of Rs. 10,000/ before the District Magistrate. The other conditions shall be imposed by the District Magistrate as required by him.

6. A copy be sent to the District Magistrate, Amritsar, for compliance.

Dasti.