

(1990) 02 P&H CK 0055

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 3290 of 1989

Darshan Masih

APPELLANT

Vs

State of Punjab and anr.

RESPONDENT

Date of Decision : 02-02-1990

Acts Referred:

Citation : (1990) 3 RCR(Criminal) 34

Hon'ble Judges : A.P.Chowdhri, J

Advocate : Rozi A. Singh, Bhupinder Pal Kaur Brar, Advocates for appearing Parties

Judgement

A. P. Chowdhri, J.

1. The petitioner while undergoing life imprisonment following his conviction in a murder case under the orders of the learned Sessions Judge, Ludhiana, made an application to the jail authorities for four weeks parole in order to carry out repairs in his house which had been badly damaged on account of rains. The application was forwarded by respondent No. 2 on April 5, 1989. It was, however, ultimately turned down and the petitioner informed of the decision in the first week of September, 1989. The petitioner challenged the rejection through this writ petition as wholly arbitrary.

2. In the return filed by the respondents the only round mentioned for turning down the prayer was that the application was rejected in view of the recommendations of the district authorities. In the context, it implies that either the District Magistrate or the Superintendent of Police did not recommend the application for acceptance. The learned counsel has not produced any record to furnish the reasons why the District Magistrate/Superintendent of Police opposed the application. In the absence of reasons which can be considered by the Court, mere ipse dixit of the aforesaid officer of the government cannot be accepted. It would, therefore, follow that the rejection is wholly arbitrary and the order is, therefore, unsustainable. Accordingly, the writ petition is allowed. The order rejecting the prayer for release on parole is set aside and it is directed that the

petitioner shall be released on four weeks parole on his furnishing bond and surety to the satisfaction of Chief Judicial Magistrate, Gurdaspur. Dasti.