

(1988) 05 P&H CK 0067

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 1424 of 1987

Kalia Singh @ Amrik Singh

APPELLANT

Vs

State of Punjab and anr.

RESPONDENT

Date of Decision : 20-05-1988

Acts Referred:

Citation : (1989) 1 RCR(Criminal) 119

Hon'ble Judges : H.S.Rai, J

Advocate : Charu Tuli, J.S. Bhatti, Advocates for appearing Parties

Judgement

H.S. Rai, J.

1. Kalia Singh son of Nihal Singh, who is undergoing life imprisonment in Central Jail, Patiala, applied for temporary release on parole for repair of his house. His application was duly recommended by the Superintendent Jail. His prayers was, however, rejected on the ground that there could be danger to public peace by his release on parole. Present Criminal writ Petition has been filed by the petitioner for his release contending that his house requires repairs and that he has maintained good record in jail. According to him, his case was rejected arbitrarily and for extraneous reasons.

2. I have perused the reply filed by the respondents. The petitioner has been denied parole mainly on the ground that the complainant and the other witnesses are apprehending danger from him and if the petitioner is allowed parole it may endanger their lives. I have considered this ground advanced by the respondents for rejection of the parole and am of the view that it is not fair to base the order of rejection on the statements of the complainant and his witnesses. The opposite party will always oppose the parole and it is not fair to base the judgment on their statements alone. The District Magistrate should have made an objective enquiry. I find that the denial of petitioner's prayer was on invalid grounds and was not at all justified. The repair of the house is a valid ground for release on parole and if the authorities wanted to deny the petitioner his right, they should have held an impartial inquiry and given valid reasons. The

order of rejection being arbitrary is set aside and it is ordered that the petitioner shall be temporarily released on four weeks" parole to the satisfaction of the District Magistrate, Sangrur.