
(2022) 07 P&H CK 0178

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 7052 Of 2022

Sukhjinder Singh @ Sukhi

APPELLANT

Vs

State Of Punjab And Others

RESPONDENT

Date of Decision : 27-07-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307
Arms Act, 1959 — Section 25

Citation : (2022) 07 P&H CK 0178

Hon'ble Judges : Sureshwar Thakur, J

Bench : Single Bench

Advocate : Sanjeev Kumar Sharma, Rana Harjasdeep Singh

Final Decision : Disposed Of

Judgement

Sureshwar Thakur, J

1. The petitioner herein has been convicted by the learned Additional Sessions Judge, through a verdict made on 22.8.2017, in respect of FIR bearing No. 124 of 6.7.2015, under Section 307/34 of the IPC, and, under Section 25 of the Arms Act, registered at Division No. 5, District Jalandhar. In consequence, the above named convict, has been sentenced to undergo rigorous imprisonment, for a term lasting upto seven years. The above verdict of conviction, and, consequent therewith sentence, as became imposed upon the petitioner convict, by the learned convicting Court, has been appealed before this Court.

2. Through the instant petition, the petitioner-convict claims, the indulgence of his being released on parole from the prison. In that respect, he moved an application, appended as Annexure P-4, to the instant petition, before the authority concerned, and, the ground, as ventilated therein, is comprised in the factum, that he intends to look after his aged ailing father, and, also that he intends to meet his minor daughter, as there is no other family member to look after them.

3. However, the competent authority, through Annexure P-5, had declined the above claim. The reason as embodied therein, is comprised in the factum, that the relevant policy, and, guidelines, appertaining to the grant of parole, to the prison inmates, bars the granting of facility of parole, to those prison inmates, who commit the prison offences, unless one year has elapsed since the commission of the prison offences, upto the preferment of the apposite application, before the authorities concerned.

4. Therefore, the competent authority, given the commission of a prison offence, by the petitioner, and, also with one year not elapsing since its commission, and, upto the date of preferment of the application, proceeded to decline the claim for parole to the present petitioner. However, the above conditions, are extremely harsh, and, rigorous, and, may ultimately defeat the purpose of the claim for parole to the prison inmate, especially when the application, as carried in Annexure P-4 becomes well founded, upon tangible, and, good reason(s).

5. In consequence, for ensuring that the purpose of parole, is not defeated, and, nor becomes frustrated, this Court relaxes the above harsh, exacting conditions, moreso for facilitating that the present petitioner, meets his aged ailing father, and, meets also his minor daughter, both of whom are staying alone, and, who obviously require theirs being personally attended, upon, for a brief period, by the present petitioner.

6. Consequently, the impugned order (Annexure P-5) is quashed, and, set aside. Superintendent of Jail concerned, where the convict-petitioner is inmated, is directed to, for a period of six weeks, release the present petitioner on parole, but subject to his furnishing personal, and, surety bonds, in the sum of Rs. One lac each, to the satisfaction of the Jail Superintendent concerned, with an undertaking, that he shall, immediately on expiry of six weeks, from his stepping out from the prison, re-enters the prison, and, with a further undertaking, that in case any breach of the above undertaking(s), makes its emergence, thereupon, he shall never access the Courts of law, for granting him the indulgence of parole, or for his being granted the indulgence of pre-mature release from the prison. In case, the above period expires, and, yet the petitioner does not re-step into the prison, thereupon, liberty is reserved to the authorized police officer to, through warrants of arrest, ensure the re-entry of the convict into the relevant prison.

7. The petition stands disposed of accordingly.