

Devi Lal Vs. State of Punjab and ors.

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Court : Punjab and Haryana

Decided On : Aug-14-2014

Appellant : Devi Lal

Respondent : State of Punjab and ors.

Judgement :

CRWP No.1190 of 2014 -:1:- IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRWP No.1190 of 2014 Date of decision : August 14, 2014
Devi lalPetitioner Versus State of Punjab & Ors.....Respondents CORAM :
HON'BLE MS.JUSTICE RITU BAHRI *** 1.

To be referred to the Reporters or not?.

2.

Whether the judgment should be reported in the Digest?.

*** Present : Mr.S.K.Jain, Advocate, for the petitioner.

Mr.Gurveer Singh, AAG, Punjab.

*** RITU BAHRI, J.

(Oral) This petition is filed under Article 226 of the Constitution of India for issuance of direction to the respondents for release of the petitioner on emergency parole in terms of Section 3 of the Punjab Good Conduct Prisoner (Temporary

Release) Act, 1962.

The petitioner was convicted and sentence to undergo Rigorous Imprisonment for 10 years and to pay a fine of `1 lac in case FIR No.127 dated 16.11.2011 for an offence punishable under Section 18 NDPS, Act registered at Police Station Chhajli, now confined in District Jail, Sangrur.

The petitioner made an application for grant of emergency parole in terms of provision of Section 3 of the Punjab Good Conduct GAURAV SOROT201408.19 15:56 I attest to the accuracy and integrity of this document CRWP No.1190 of 2014 -:2:- Prisoner (Temporary Release) Act, 1962 on the ground that his wife is an old lady of more than 67 years of age, who is seriously ill and there is no other male member to look after her ailing wife.

On receipt of the application made by the petitioner, his application was forwarded to the office of District Magistrate Neemuch, Madhaya Pradesh for verification and recommendation.

As per their report, they had not recommended the release of the petitioner on emergency parole on the ground that there is likelihood of his running away and not surrendering to the authority after his release on parole; and there is also likelihood or endanger to the security of the State or the maintenance of the public order.

A Co-ordinate Bench of this Court in case titled as Tarlochan Lal versus State of Haryana & ORS.2009 CRI, L.J.494, while considering the case of the convict under the NDPS Act for release him on parole for sowing, harvesting and carrying out agricultural operation on his land whose case had been rejected on the ground that there were 2 more cases pending against the convict under the NDPS Act.

A reference was made in this case to a judgment passed in Kashmir Singh versus State of Punjab, 1996 (3) RCR, 761, where it was held that undoubtedly, as per Section 6 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, no prisoner shall be entitled to be released on parole except on the report of District Magistrate that such person is likely to endanger the security of the State

or the maintenance of public order. In the present case as per Annexure P-1 sent by the Collector, District Neemuch, Madhya Pradesh, the only apprehension for grant of parole that the petitioner on his release is likely to run and will not surrender, in this recommendation it has not been recorded that on account GAURAV SOROT201408.19 15:56 I attest to the accuracy and integrity of this document CRWP No.1190 of 2014 -:3:- of his release it is likely to endanger the security of the State or the maintenance of public order. Consequently, keeping in view of the judgment mentioned above, passed by a Co-ordinate Bench of this Court, this petition is allowed and a direction is being given to release the petitioner on parole for 2 weeks, i.e. from 19.08.2014 to 01.09.2014 and he will surrender on 02.09.2014.

(RITU BAHRI) August 14, 2014 JUDGE Gaurav Sorot GAURAV SOROT201408.19 15:56 I attest to the accuracy and integrity of this document

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