

*Judicial Officer UID No. PB0487, State vs Nardeep Singh, IPC Challan No.28 of 20.12.2021,
CHA/85/2021, CNR No. PBFGA10017632021, Date of Decision 09.02.2022*

**IN THE COURT OF GURINDER SINGH, P.C.S.,
JUDICIAL MAGISTRATE IST CLASS, AMLOH, UID
No.PB0487**

CHA No.85/2021

CNR No.PBFGA10017632021

P.Challan no.28 of 20.12.2021

Date of decision: 09.02.2022

State of Punjab

Versus

Nardeep Singh son of Jarnail Singh r/o House no. 37, ward no. 1, Amloh,
PS Amloh, District Fatehgarh Sahib.

....Accused

F.I.R. No.116 dated 25.8.2021

Under Section 8/9 of Punjab Good Conduct
Prisoners (Temporary Release) Act, 1962.

Police Station: Amloh

Present: Sh. Sukhwinder Singh, APP for the State.

Accused in custody represented by Sh. V.S.Bains Adv. (free
legal aid counsel) (produced through VC).

*Gurinder Singh, P.C.S.,
JMJC, Amloh
UID No. PB0487*

*Munish Kumar
Stenographer-II*

JUDGMENT

The above named accused has been sent up by the Station House Officer of Police Station Amloh to face trial for the commission of offence punishable under section Under Section 8/9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

2. Brief facts as per the case of the prosecution are that on 25.8.2021, IO along with police party was present at Dhollawala Chowk then time was at about 11:55 am that one informer gave information that Nardeep Singh son of Jarnail Singh who was serving sentence of imprisonment of 10 years and is out on parole and the expiry of parole period, he is absent from jail. A letter no. 1799 dated 15.6.2021 from Superintendent New Jail Nabha already had been received by him regarding the same. The accused Nardeep Singh after jumping the parole violated the section 8/9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. Upon which, he scribed ruqa and sent the same through PHG Harmesh Singh for registration of FIR. After registration of FIR, IO and police party conducted the raid to the house of accused namely Nardeep Singh. Accused was arrested and his personal search was

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conducted. Statements of the witnesses were recorded. After completion of the investigation, challan was presented against the accused under section 8/9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

3. On appearance of the accused, copies of the Challan and other documents relied upon by the prosecution were supplied to the accused, free of costs, as required u/s 207 Cr.P.C.

4. On finding a prima-facie case against the accused, the accused was charge-sheeted under Section 9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. The said charge was read over and explained to the accused. The accused pleaded not guilty to the same and claimed trial.

5. In order to prove its case, the prosecution examined PW1 ASI Paramjit Singh, Investigating Officer, has proved ruqa Ex.P1, FIR Ex.P2, endorsement on the FIR Ex.P3, arrest memo Ex.P4, personal search memo Ex.P5 and letter received from Superintendent, New Jail Nabha Ex.P6.

6. Thereafter, accused got recorded his separate statement that he does not want to cross examine the remaining witnesses of the prosecution. Thereafter, Ld.APP for the state closed the prosecution evidence in view of the statement suffered by the accused.

7. Statement u/s 313 of the Cr.P.C of the accused was recorded in which all the incriminating evidence appearing against the accused was put to him, to which he confessed his guilt and prayed for lenient view as he is the only bread winner of his family and did not lead any defence evidence.

8. During arguments, firstly learned APP for the State submitted that the prosecution has proved that accused was released on parole as he was serving sentence awarded to him for 10 years under NDPS Act. He has jumped the parole. A letter was received from concerned jail qua this fact. Further, the accused has confessed his guilt during statement recorded under section 313 Cr.P.C. At last, the prayer has been made that accused may be convicted.

9. On the other side learned defence counsel argued that accused has confessed his guilt in the statement recorded under section 313 Cr.P.C. He is the first offender and lenient view may be taken.

10. I have heard the arguments of Ld.APP for the State, learned defence counsel and have gone through the case file carefully, with their able assistance.

11. After perusing the file on record and hearing the respective submissions of learned APP for the State and learned defence counsel following question for determination arise in the present case: -

(i) Whether in the year 2021 in the area of Amloh, accused being prisoner and came out on parole and did not surrender himself within prescribed period of 10 days from date on which accused was required to surrender and thereby accused committed an offence punishable under Section 9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962?

12. It is the allegation against the accused that he was serving sentence awarded to him for imprisonment for 10 years under NDPS Act

and was released on parole. He did not return back within the prescribed period and jumped the parole. Accordingly, he has committed the offence under Section 9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

13. To prove the guilt of the accused, prosecution has examined PW1 ASI Paramjit Singh, Investigating Officer, who has deposed that a letter Ex.P6 was received from Superintendent, New Jail, Nabha that accused has jumped the parole. The copy of letter has come on record in the shape of Ex.P6 which reflects that accused was serving sentence under FIR no.17 dated 1.3.2014 under Sections 22/61/85 NDPS Act. He was released on parole and he was to return to the jail till 12:00 pm of 18.4.2021 but he did not return.

14. However, the letter Ex.P6 has not been disputed during the cross-examination of IO PW1. More so, accused has confessed his guilt in the statement recorded under Section 313 Cr.P.C.

15. After appreciation of aforesaid evidence, it comes out that accused has committed the offence under section 9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and his guilt has been

proved beyond the shadow of reasonable doubt. Accordingly, the question for determination is decided in favour of prosecution and against the accused. Accused Nardeep Singh is held guilty and is convicted under Section 9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. Let he be taken into custody and heard on quantum of sentence.

Pronounced in open court
09.02.2022

Gurinder Singh, PCS
Judicial Magistrate Ist Class
Amloh/UID-PB:0487
Directly dictated on computer

Quantum of Sentence:-

Present: Sh. Sukhwinder Singh, learned APP for the State.
Convict in custody represented by Sh. V.S.Bains Adv. (free legal aid counsel).

16. I have heard the convict on the quantum of sentence. The convict prays for leniency while quantifying the sentence to be imposed upon him, by presenting himself as first time offender. The learned A.P.P. for the State opposed this plea.

17. The court has considered rival pleas. The convict has faced trial. He is already repenting in the Court for his conduct. Keeping in view the circumstances, Convict is sentenced as under:

Convict Nardeep Singh

Under Section	Sentence
9 of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.	R.I. for 3 months along with fine of ₹1000/-. In default of payment of fine, R.I. for one month.

18. All the sentences shall run concurrently. The period for which the convict remained in custody during trial and investigation of this case will be set off from substantive punishment awarded to him to-day. Case property be dealt with as per rules after the expiry of period of filing an appeal or revision, if any or after the result of same and file be consigned to the Record Room, Amloh.

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Gurinder Singh, PCS
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