

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP no. 1223 of 2014 (O&M)

Date of Decision : 13.03.2015

Sahib Singh

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers may be allowed to see the judgment?

2) To be referred to the Reporters or not?

3) Whether the judgment should be reported in the Digest?

Present : Mr.A.S.Trikha, Advocate for the petitioner
Mr. P.S.Hundal, AAG, Punjab

MAHESH GROVER, J.

This is a prayer for release of the petitioner on agricultural parole for six weeks which has been declined by virtue of Annexure P-1 by giving the following reasons:-

“His co-accused Gurjant Singh and Gurpreet Singh are proclaimed offender from jail. Rachpal Singh can also have contacts with other co-accused on release on parole. Therefore, Sr. Superintendent has not recommended release on agro-parole case of convict Sahib Singh s/o Gurbax Singh r/o Sabra, P.S.Patti, District Tarn Taran.

3. Keeping in view the above report, the agro-parole case for six weeks of this convict is rejected. The convict shall be informed in writing and its receipt from him be sent to Head Office.”

Learned counsel for the petitioner contends that these reasons

do not form a valid consideration in terms of provisions of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, in particular, Section 6 thereof.

Learned counsel for the petitioner contends that no apprehension of threat to public peace and tranquillity was expressed.

The reply filed by the respondents would indicate that the petitioner has been convicted and sentenced for a period of 20 years by the Special Court in case FIR no. 11 dated 21.3.2010 registered under Sections 21, 61, 85 of the NDPS Act as also Section 307 IPC and Section 25 of the Arms Act. His co-accused have been declared Proclaimed Offenders after they have escaped from jail. It is also alleged in the reply that the petitioner is in league with Pakistani smugglers and involved deeply in the offences under NDPS Act.

If that be so then such a reasoning has to be reflected in the order itself and a categorical opinion formed regarding threat to public peace and tranquillity of the State and also likelihood of the petitioner involving himself in such undesirable activities in association with the persons across the border. However, this is not manifest in Annexure P-1 which is accordingly for the reasons stated above set aside and the matter remitted back to the competent authority for decision afresh.

Disposed of.

Let needful be done as expeditiously as possible but not later than four weeks from the date of receipt of the certified copy of this order.

March 13, 2015
rekha

(MAHESH GROVER)
JUDGE