

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Crl. Writ Petition 1290 of 2014
Date of Decision : January 22, 2015

Gurbhej Singh

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN**

Present : Mr. B.S.Jaswal, Advocate
for the petitioner.

Mr. S.S.Dhaliwal, Addl. A.G., Punjab

T.P.S. MANN, J. (Oral)

Prayer made in the present petition filed by the petitioner under Article 226 of the Constitution of India is for setting aside the order dated 22.7.2014 (Annexure P-1) passed by the District Magistrate, Tarn Taran.

A perusal of the impugned order (Annexure P-1) reveals that as the Senior Superintendent of Police after getting necessary verification made did not recommend release of the petitioner on parole for the reason that the case against him involved huge recovery i.e. 100 bags of poppy husk, each containing 40 kilograms, the District Magistrate, Tarn Taran rejected the request made by the petitioner for four weeks' parole.

At the time of one of the hearing in the present petition,

learned counsel for the petitioner brought to the notice of the Court that Paramjit Singh son of Harbans Singh of village Bhindia, District Amritsar, who stood convicted alongwith the petitioner in the case under the provisions of the NDPS Act relating to recovery of 100 bags of poppy husk, had already been released on parole and due to surrender before the jail authorities on 27.12.2014 on completion of the period of said parole. In this regard, he produced the photocopy of the release warrant which was taken on record and a copy thereof supplied to learned State counsel, who sought an adjournment for obtaining instructions.

Learned State counsel has submitted that as per his instructions, Paramjit Singh, co-convict of the petitioner is resident of village Bhindia, District Amritsar and it was District Magistrate, Amritsar, who ordered the release of said Paramjit Singh on parole. On the other hand, the petitioner is permanent resident of village Nagoke which falls within the jurisdiction of Tarn Taran and, accordingly, it is the District Magistrate, Tarn Taran, who has declined the case of the petitioner for parole.

After hearing learned counsel for the parties, we find that same yardstick ought to have been applied by the District Magistrate, Tarn Taran in considering the case of the petitioner for his release on parole as was done by the District Magistrate, Amritsar while recommending the release of Paramjit Singh, co-convict of the petitioner. Thus, it would be apt to set-aside the

impugned order (Annexure P-1) and remit the matter to the District Magistrate, Tarn Taran for considering the case of the petitioner for his release on parole afresh.

Resultantly, the petition is accepted, impugned order (Annexure P-1) is set-aside and the District Magistrate, Tarn Taran is directed to obtain fresh verification and pass necessary orders on the request of the petitioner for the grant of parole. It would be expected of the District Magistrate, Tarn Taran to complete the necessary exercise within two months from the date of receipt of a certified copy of the order.

**(T.P.S. MANN)
JUDGE**

January 22, 2015
ajay-1

**(SHEKHER DHAWAN)
JUDGE**