

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

**CRWP No.1573 of 2014
DATE OF DECISION : 13.02.2015**

Brij Ashok Arora

..... Petitioner

Vs.

State of Punjab & others

.....Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present :-Mr. Sandeep Arora, Advocate
for the petitioner.

Mr.Varun Sharma, Addl. A.G., Punjab.

LISA GILL, J.

Petitioner in this petition, has challenged the denial of parole to him vide order dated 06.02.2014 (Annexure P-5). He was convicted and sentenced to undergo rigorous imprisonment for 15 years besides pay a fine of Rs.1,25,000/- and in default undergo rigorous imprisonment for 1 ½ years for the offence punishable under Section 23 NDPS Act. He was also convicted in another case as mentioned in the reply filed on behalf of respondents No.1 and 3.

Learned Counsel for the petitioner submits that parole could not have been denied to him on the ground that he is likely to jump parole. The said order is not in consonance with Section 6 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred to as the 'Act').

Learned counsel for the State vehemently opposes this petition. While admitting that there is no mention of the grounds for denial as mentioned in Section 6 of the Act, it is vehemently argued that the petitioner is likely to jump parole, therefore, he is not entitled for the concession.

Section 6 of the Act reads as under :-

“Prisoner not entitled to be released in certain cases – Notwithstanding anything contained in Sections 3 and 4, no prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or any officer authorized by it in this behalf is satisfied that his release is likely to endanger the security of the State Government or the maintenance of public order.”

In view of the facts and circumstances of the case, order dated 06.02.2014 denying parole to the petitioner is not sustainable and the same is set aside with a direction to the respondents-authorities to re-consider the matter and pass an order afresh in accordance with law, after taking into consideration the entire facts and circumstances of the case, within a period of two months from the receipt of a certified copy of this order.

13.02.2015

Pooja Sharma-I

(LISA GILL)
JUDGE