

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.: 221

Criminal Writ Petition No.340 of 2015 (O & M)
Date of Decision: April 01, 2015

Narinder Singh @ Panchhi

..... PETITIONER

VERSUS

State of Punjab & others

..... RESPONDENTS

CORAM HON'BLE MR. JUSTICE JASPAL SINGH

PRESENT: Mr. Balbir Singh Sewak, Advocate, for the petitioner.

Mr. R.S. Sidhu, Assistant Advocate General, Punjab, for
respondent – State.

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1. Whether Reports of local papers 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?

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Jaspal Singh, J

1. This petition has been preferred by Narinder Singh @ Panchhi under Article 226/227 of Constitution of India read with Section 482 Cr.P.C. read with Section 3(1) (c) of Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962 (for brevity, 'Act of 1962') seeking his release for four weeks on parole for agriculture purposes as well as to quash order dated December 24, 2014 (Annexure P-2).

2. Undeniably, petitioner was convicted and sentenced to undergo RI for a period of 10 years and to pay fine to the tune of ₹ 1

lac in case FIR No.103 dated December 13, 2011 under Section 15 of Narcotic Drugs & Psychotropic Substances Act, 1985, registered at Police Station, Behram, District SBS Nagar.

3. Petitioner applied for agriculture parole accompanied by resolution (Annexure P-1) of Gram Panchayat recommending his release on parole. But, Additional District Magistrate, SBS Nagar declined his release on parole observing that he is engaged in selling intoxicants and in case he is released on parole, he is likely to involve youth in said illegal activities.

4. Reply to petition was also filed by way of affidavit of Sarabjit Singh Bahia, PPS, Deputy Superintendent of Police, Sub Division Banga, District SBS Nagar, unfolding that petitioner is a drug peddler and there is apprehension of his indulging in trade of intoxicants involving innocent youth into drug.

5. Petitioner has sought his temporary release (parole) for a period of four weeks under Section 3(1) (c) of the Act of 1962. It would be in the fitness of things to reproduce said provision which is relevant for matter in controversy in the instant petition. It reads as under:-

“3. (1) The State Government may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily for a period of specified in sub-section (2) any prisoner if the State Government is satisfied that –

- (a) xx xx xx
- (b) xx xx xx

(c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land and no friend of the prisoner or a member of the prisoner’s family is prepared to help him in this behalf in his absence ; or”

6. A glance at the aforesaid provision transpires that there is no ground to decline release of a convict on parole simply for the reason that there is apprehension of his indulging in trade of intoxicants and involving innocent youth into drug, in case, he is granted parole. Moreover, it is duty of State to ensure it to be crime free or to have surveillance on the activities of such like persons during the period of their parole. They cannot be denied their lawful right and liberty.

7. As an upshot of aforesaid discussion, this Court is of the considered view that request of petitioner has been declined for no valid, sufficient and legal reason. Impugned order (Annexure P-2) declining his prayer for temporary release on parole is not only arbitrary but also against provisions of natural justice as well as provisions contained in the Act of 1962. There is no ground what to talk of sufficient ground or material which would justify its refusal. As such, impugned order dated December 24, 2014 (Annexure P-2) is set aside and petitioner is directed to be released on parole for a period of four weeks for agriculture purposes on furnishing surety/ security to the satisfaction of learned District Magistrate, SBS Nagar in accordance with provisions of the Act of 1962. Petitioner is directed to surrender before Superintendent Jail, Nabha (District Patiala) on April 29, 2015 at 10/11:00 AM.

8. Petition stands disposed of accordingly.

April 01, 2015
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(Jaspal Singh)
Judge