

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Writ Petition No. 772 of 2015

Date of Decision : July 09, 2015

Baljinder Singh

.....Petitioner

VERSUS

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. A.S. Trikha, Advocate.

T.P.S. MANN, J.

Prayer made in the petition preferred under Article 226 of the Constitution of India is for issuance of appropriate order or direction to the respondents to allow the petitioner to come out on parole for four weeks and for quashing the order dated 19.9.2014 (Annexure P-1) whereby the District Magistrate, Tarn Taran, while agreeing with the report of the Senior Superintendent of Police, Tarn Taran, has not recommended the release of the petitioner on parole.

Learned counsel for the petitioner has submitted that the petitioner stands arrested in FIR No.232 dated 24.10.2011 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') registered at Police Station Adampur. Though he is convicted and sentenced in the said case yet he has not preferred any appeal. It is further submitted that the case for release on parole has not been recommended on the ground that his release was likely to result in danger to the security of the State.

A perusal of the impugned order (Annexure P-1) reveals that the case of the petitioner for release on parole has not been recommended on the ground that he is presently undergoing the sentence of imprisonment in a case under the provisions of the NDPS Act. Thus, it cannot be said that the relief has been denied on account of likely danger to the security of the State. Apart from the same, this Court finds that the petitioner is involved in two criminal cases under Section 15 of the NDPS Act, i.e. FIR No. 140 dated 10.10.2009 registered at Police Station Sultanpur Lodhi, District Kapurthala and FIR No. 232 dated 24.10.2011 registered at Police Station Adampur, District Jalandhar, mention whereof has been made on the power of attorney itself. When confronted with the said fact, learned counsel for the petitioner stated about the involvement of the petitioner in FIR No. 232 dated 24.10.2011 only but feigned ignorance about FIR No. 140 dated 10.10.2009.

When the petitioner stands involved in two criminal cases, both under the provisions of the NDPS Act, it cannot be said that the police was not justified in declining to recommend the case of the petitioner for his release on parole for four weeks, which fact has been made the basis by the District Magistrate, Tarn Taran while passing the impugned order.

The petition is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

July 09, 2015
satish