

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.1265-2015

Date of decision :January 22, 2016

Harpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM : HON'BLE MR.JUSTICE S.S. SARON
HON'BLE MR.JUSTICE GURMIT RAM**

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

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

Mr. Arshvinder Singh, Additional Advocate General, Punjab.

S.S. SARON, J.

Learned counsel for the State has filed affidavit of Sh.Ravinder Kumar Sharma, P.P.S., Superintendent, Central Jail, Amritsar on behalf of respondents No.1 to 3. The same is taken on record.

The petitioner has been convicted for the offence under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 489-C of the Indian Penal Code. He has been sentenced to undergo imprisonment for 12 years, besides, pay a fine of ₹1,10,000/-. At the present petitioner is undergoing his imprisonment.

By way of present petition under Article 226 of the Constitution of India, the petitioner seeks quashing of order dated 07.05.2015 (Annexure P-1) passed by the learned District Magistrate, Amritsar whereby he has been declined parole.

In terms of reply that has been filed, it is stated that the parole case of the petitioner was initiated and sent to the District Magistrate vide letter No.2561 dated 04.03.2015 for report and recommendation. The District Magistrate, Amritsar informed the Superintendent Central Jail-respondent No.2 vide letter dated 07.05.2015 that if the petitioner is released on parole, he will again indulge in drug supply by making contacts with bad elements. This may cause threat to the State security and the maintenance of public order. It is also stated that an inquiry was conducted and it was found that the house of the petitioner does not require repair. Therefore, it is submitted that the very purpose for which parole has been applied for is not made out.

In the circumstances, learned counsel for the petitioner submits that he may be allowed to withdraw the writ petition at this stage as it has been found as a matter of fact that the house of the petitioner does not require repair. However, he reserves his right to apply for parole against the conclusions reached at by the authorities that if the petitioner is released on parole, he may indulge in supply of drugs. It is submitted that in fact similarly placed prisoners are being granted parole which is evident from the case of Paramjit Singh, whose release order Annexure P-3 has been placed on record.

In the circumstances, the writ petition is dismissed as withdrawn without prejudice to the rights of the petitioner and in future if

the petitioner applies for parole and the same is declined on the grounds that in case of his release, he may indulge in drugs supply, he shall be entitled to assail the said findings in accordance with law and the withdrawal of the present petition would not come in his way.

**(S.S. SARON)
JUDGE**

January 22, 2016
Gaurav Sorot

**(GURMIT RAM)
JUDGE**