

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

Criminal Writ Petition No.1322 of 2015

Date of Decision : April 26, 2016

Daler Singh

.....Petitioner

VERSUS

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present : Mr. M.S. Bajwa, Advocate
for the petitioner.

Dr. Deipa Singh, Additional Advocate General, Punjab.

T.P.S. MANN, J.

The petitioner has filed the present petition under Article 226 of the Constitution of India with the prayer that order dated 31.3.2015 (Annexure P-1) passed by the Deputy Commissioner, Tarn Taran be set aside and his prayer for release on parole for renovation of his house and for the purpose of getting his child admitted in the school be granted.

The petitioner stands convicted in FIR No.62 dated 1.4.2012 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to undergo imprisonment for twelve years.

According to the petitioner he is the only bread winner of his family which consists of his wife and a child. As his house is to be renovated and his child to be got admitted in the school, he be released on parole for four weeks. He has submitted an application to the jail authorities for the aforementioned purpose. However, vide order dated

31.3.2015 (Annexure P-1), the Deputy Commissioner, Tarn Taran rejected his prayer on the ground that the Senior Superintendent of Police, Tarn Taran did not recommend his release on parole as there was fear of the petitioner absconding.

Upon notice, reply was filed on behalf of respondents No.1 and 3, wherein it was mentioned that the petitioner had submitted Panchayatnama to the Jail Superintendent for meeting his family members and, accordingly, for his release on parole, the District Magistrate, Tarn Taran, after referring the report of the Senior Superintendent of Police, Tarn Taran, wherein the release of the petitioner was not recommended on the ground that he was likely to abscond, declined to release him on parole.

On the last date of hearing, the Court had directed the State counsel to produce copy of the letter dated 13.3.2015 sent by the Senior Superintendent of Police, Tarn Taran to the Deputy Commissioner, Tarn Taran so as to find out the material on the file which might indicate as to how the petitioner was likely to abscond in the event of his being released on parole. Pursuant to the same, learned State counsel has produced the reply by way of short affidavit of the Deputy Commissioner, Tarn Taran-respondent No.2. Alongwith the reply, copy of letter dated 13.3.2015 addressed by the Senior Superintendent of Police, Tarn Taran to the District Magistrate, Tarn Taran has been appended. It stands mentioned therein that the petitioner has not availed any parole. Further, there was no danger to the security of the State and maintenance of public order in the event of the petitioner being released

on parole. However, as the petitioner had been indulging in smuggling there was every apprehension that he may abscond.

Having heard learned counsel for the parties and on going through the letter dated 13.3.2015 of the Senior Superintendent of Police, Tarn Taran, it is made out that the petitioner has not availed of parole so far. Further, in the event of the petitioner being released on parole, there is no likelihood of danger to the security of the State and maintenance of public order. If that be the position, the apprehension of the petitioner absconding is without any basis. Even if the petitioner had been earlier indulging in smuggling activities, that is no ground to conclude that he is likely to abscond, if released on parole.

In view of the above, the impugned order (Annexure P-1) passed by the Deputy Commissioner on 31.3.2015 cannot be upheld. The same is, accordingly, set aside. Prayer made by the petitioner for his release on parole is accepted. The petitioner is ordered to be released on parole for a period of three weeks on his furnishing appropriate bonds to the satisfaction of the Deputy Commissioner/ District Magistrate, Tarn Taran.

The petition is, accordingly, allowed.

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

**(RAMENDRA JAIN)
JUDGE**

April 26, 2016
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