

CRWP No. 1524 of 2015
DECIDED ON: JANUARY 15, 2016

JOGA SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters 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?

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. A.S. Kler, Addl. AG, Punjab.

JASPAL SINGH, J

Instant petition has been filed under Articles 226/227 of Constitution of India for setting aside of impugned order dated June 29, 2015 (Annexure P-1) whereby application moved by the petitioner for grant of four weeks parole in case FIR No. 98 dated June 30, 2010 under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity "Act") registered at Police Station Model Town, Hoshiarpur was rejected by respondent No.2-Deputy Commissioner, Jalandhar.

2. The contention of learned counsel for the petitioner is that petitioner was convicted in case FIR No. 68 dated March 15, 2002 under Section 15 of the Act and sentenced to undergo RI for a period of 10 years; besides fine. He is undergoing his sentence in District Jail, Hoshiarpur. Earlier, he was granted the concession of four weeks parole on June 21, 2010 and he

was to surrender on July 20, 2010. However, during his parole a false case was planted upon him under Section 15 of the Act at Police Station Model Town, Jalandhar. Though, there are three other cases against the petitioner, as per the contents of reply filed by learned State counsel but in one case, he has been acquitted whereas in other two cases he has already undergone the sentence imposed upon him. Thus, besides the instant case there is no other case either pending or disposed of against the petitioner.

3. It has further been contended by learned counsel for the petitioner that declining of parole by respondent No.2 on the ground that there is endanger to the public order in case petitioner is released on parole is without any basis or substance. No circumstance(s) have been detailed in the impugned order by respondent No.2. Petitioner is also ready to give surety at the satisfaction of this Court in case he is granted the concession of parole.

4. On the other hand, learned State counsel has supported the impugned order and has submitted that application for release of petitioner on parole has rightly been dismissed by the competent authority on the basis of report of Senior Superintendent of Police (Rural), Jalandhar as his release is likely to endanger the security of the State and maintenance of public order. Thus, impugned order is legally valid and is in consonance with the provisions Punjab Good Conduct Prisoner's (Temporary Release) Act, 1962 (for short "Act 1962").

5. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and have perused the impugned order.

6. Undisputably, petitioner has been convicted and sentenced for a period of 10 years; besides fine under Section 15 of the Act vide judgment of conviction and order of sentence dated May 01, 2013 passed by learned

Additional Sessions Judge, Hoshiarpur and further that he has not availed parole after July 20, 2010 for any purpose. A perusal of Section 6 of Act 1962 provides that no prisoner is entitled to be released under this Act, if, on the report of the District Magistrate, the State Government or an officer authorized by it in this behalf is satisfied that his release is likely to endanger the security of the State or the maintenance of public order.

7. Adverting to the facts of the case in hand, petitioner was released on parole earlier for a period of four weeks on June 21, 2010 but during the period of parole, he was found in possession of intoxicant/contraband, as a result of which, FIR No. 98 dated June 30, 2010 under Section 15 of the Act was registered at Police Station Model Town, Hoshiarpur. He was tried and convicted. Such a person, who indulged in such a heinous crime even during the period of his parole, does not deserve any concession. There is every likelihood of petitioner committing such like offence in case he is released on parole. Even, his release is likely to endanger the security of State or the maintenance of public order.

8. Taking into consideration all the afore-said narrated facts, this Court does not find any merit in the instant petition. As such the same is dismissed.

JANUARY 15, 2016
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(JASPAL SINGH)
JUDGE