

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

CRWP No.1657 of 2015 (O&M)
Date of Decision: September 14, 2016

Jagiro

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Mr.Varun Sharma, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for quashing of the order dated 03.07.2015 passed by learned District Magistrate, Shaheed Bhagat Singh Nagar by virtue of which the application for parole of the petitioner was declined.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

The perusal of the impugned order dated 03.07.2015 shows that parole was simply denied on the ground that whenever prisoner Jagiro comes on parole, she used to sell the intoxicant articles and make the

younger generation habitual of intoxication. No case/FIR has been mentioned in the impugned order showing that during parole period, the petitioner was found in possession of intoxicant. There is reference of one FIR dated 27.04.2002 under Section 15 of the NDPS Act.

The mere allegation without any material that petitioner used to sell the intoxicant whenever she comes on parole, is no ground to reject the application of the present petitioner for parole.

In view of the above discussion, I find that the impugned order dated 03.07.2015 passed by District Magistrate, SBS Nagar is not as per law and the same is set aside.

Therefore, finding merit in the present petition, the same is allowed. The respondents are directed to re-consider the case of the petitioner for parole within four weeks after receiving the certified copy of this order, without considering the ground that petitioner used to sell the intoxicant.

September 14, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No