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

CRWP-1695-2015 (O&M)

Date of Decision: 25.04.2016

SHAMSHER SINGH @ SHAMA

..... Petitioner

VS.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Bhupinder Pal Kaur, Advocate,
for the petitioner.

Mr. P.S. Paul, AAG, Punjab.

1. *Whether Reporters of Local Newspapers 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?*

KULDIP SINGH, J (ORAL)

Impugned in this present petition filed under Article 226 of the constitution of India is the order dated 12.10.2015 passed by the District Magistrate, S.B.S. Nagar vide which four weeks parole to the prisoner-Shamsher Singh @ Shama, was declined on the pretext that the residents of the village have objected the release of the petitioner on parole on the ground that he will again start selling poppy husk and there is apprehension of breach of peace.

Heard.

In the reply the State has pleaded that the petitioner Shamsher Singh @ Shama was earlier tried only in one case in which he was acquitted and no other case for the offences under

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NDPS Act, 1985 is pending against him. Therefore, merely for involvement in one case in which he has been acquitted, it cannot be said that he is a habitual offender. Mere objection by the villagers apprehending that he will start selling poppy husk is no ground to decline the parole. The State can keep an eye on the activity on the petitioner and impose appropriate conditions. As such the impugned order is set aside and the learned District Magistrate, S.B.S. Nagar is directed to again consider the case of the petitioner ignoring objection of the villagers and decide the same afresh within one month from the date of the receipt of this order.

In view of the above the present petitioner stands allowed.

April 25, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**