

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

CRWP-1768-2015 (O&M)
Date of decision : 06.09.2016

Gurbachan Singh

...Petitioner

V/S

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. A.S. Trikha, Advocate for the petitioner(s)

Mr. Luvinder Sofat, AAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

This petition has been filed for quashing of impugned order dated 10.03.2015 (Annexure P-1) passed by the District Magistrate, Amritsar, whereby the parole case of the petitioner was rejected.

The learned counsel for the petitioner states that the District Magistrate did not recommend the parole case of the petitioner to the Superintendent Central Jail, Amritsar due to adverse police report received from S.S.P. (Rural) and on the flimsy ground that the petitioner may deal in narcotics and may jump over parole. He refers to Annexure P-2 to contend that village Panchayat has no objection of any kind on the release of the petitioner.

On the other hand, the learned State counsel has vehemently opposed the parole case of the petitioner.

Heard.

The grounds taken by the District Magistrate that the petitioner may deal in narcotics and may jump over parole are not sufficient grounds to reject the parole of the petitioner. Further, no specific reasons were recorded in the impugned order for coming to the conclusion that release of the petitioner on parole would endanger the security of the State and would result in the breach of peace. In these circumstances, the present petition is allowed and impugned order (Annexure P-1) is hereby set-aside and the petitioner is ordered to be released on parole, for a period of four weeks from the date of his release, as per the Rules, on furnishing bonds to the satisfaction of the District Magistrate, Amritsar.

The petitioner shall surrender before the jail authorities after expiry of four weeks, on the date and time to be indicated by the releasing authority at the time of his release.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

06.09.2016
ashok

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No