

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

CRWP No. 1224 of 2016

Date of decision : December 02, 2016

Sukhpal Singh @ Kala

..... Petitioner

v.

District Magistrate, Amritsar and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. MS Sachdev, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG Punjab

Ajay Tewari, J (Oral)

Challenge in this petition is to the order dated 27.5.2016 (Annexure P-3) whereby the prayer for parole for six weeks of the petitioner has been rejected.

Admitted facts are that the petitioner is a convict undergoing sentence of 10 years in a case under the NDPS Act. He had applied for six weeks' parole for the purposes of agriculture and house repair and had annexed a copy of the resolution of the Panchayat corroborating to the fact that there is no threat of peace in the event of his being released on parole. The SSP, Amritsar has, however, sent a report stating that

there were chances that the petitioner may start selling contraband, escape or be a threat to public security. On the basis of that report, the District Magistrate has declined the prayer.

Reply has been filed reiterating the same assertions.

Counsel for the petitioner has argued that the reasons stated are absolutely vague and on this kind of reasoning, prayer for parole for any convict can be rejected. As per him, there is no other case pending or registered against the petitioner and hence the alarmist conclusions arrived at by the authorities have no justification. He has relied upon the decision of this Court in Mohd. Nazim v. State of Haryana and others, 2010(4) RCR (Criminal) 309.

Learned Addl. AG Punjab is not in a position to justify what was the material before the authorities which could have given rise to the conclusions which have been arrived at by them, as well as to cite any contrary judgment.

Consequently, this petition is allowed, the impugned order is set aside, and the respondents are directed to grant parole of four weeks to the petitioner.

(AJAY TEWARI)
JUDGE

December 02, 2016
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