

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

Criminal Writ Petition No.1440 of 2016

Date of Decision: 08.12.2016

Davinder Singh @ Kaka

. . . Petitioner

Versus

State of Punjab and others

. . . Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Ms. Kuljeet Kaur, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

A.B. Chaudhari, J. (Oral)

Heard.

Rule heard forthwith with consideration of rival parties

Following is the reason given by the authorities for declining
parole:-

“The above prisoner is habitual smuggler of Narcotic Substances. If he come on parole then the fact is totally confirmed that the prisoner will do again smuggling of Narcotic Substances. In spite of the cases of snatching dacoit along with weapons are registered against him. This prisoner had also run away one time from the custody of police, in this regard, the case is also registered against him at Police Station, Lambi. If prisoner has come on parole then

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it is not possible to return in Jail by prisoner and the danger of public order to be dissolved by releasing on parole of prisoner. The local police/Halqa Officer has not made any recommendation for releasing on parole of prisoner. The Senior Superintendent of police has also given consent with above report.”

Learned counsel for the State submits that there are 7 more cases against the petitioner and once he had ran away from the custody.

Learned counsel for the petitioner cited a judgment of Division Bench of this Court in case of **Jassa Singh @ Jassa Vs. State of Punjab 2016 (1) Law Herald 587.**

In my opinion the impugned order does not show that the petitioner had ran away from the police custody. Now, there are 7 more cases which are stated before me to be pending. I think Deputy Commissioner, Sri Muktsar Sahib is required to mention the detail and also to consider the judgment in case, therefore, the matter is remitted to the Deputy Commissioner, Sri Muktsar Sahib, for fresh consideration within 6 weeks from the date of receipt of certified copy of this order.

[A.B. CHAUDHARI]
JUDGE

08.12.2016
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No