

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

CRWP No.263 of 2016
Date of decision: 2nd May, 2016

Manjinder Singh @ Sonu

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Deepak Chaudhary, Advocate
for the petitioner.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Petitioner Manjinder Singh @ Sonu was tried in a criminal case got registered by way of FIR No.37 dated 11.06.2013 under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'the Act') pertaining to Police Station Tarsikka, District Amritsar whereby he was found guilty and through judgment dated 13.08.2014 learned Judge, Special Court, Amritsar sentenced him to undergo rigorous imprisonment for 10 years and to pay a fine of ₹1,00,000. It is during the course of appeal preferred by him bearing CRA-S No.3951-SB of 2014 wherein his application for suspension of sentence under Section 389 Cr.P.C. stood dismissed by this Court vide orders dated 07.05.2015. The petitioner has invoked jurisdiction of this

Court under Article 226 of the Constitution of India read with Section 482 Cr.P.C. and in terms of Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1988 has sought his release on parole for four weeks for repairing his house.

Upon notice, State filed a reply though accepting conviction of the petitioner and status of his appeal and denial of relief of suspension of sentence but has taken the stand that the petitioner had submitted Panchnama for the grant of such parole for the repair of his house. However, it was the stand of the State that the District Magistrate, Amritsar through his report (Annexure R1/T) upon a fact-finding-inquiry has come to the conclusion that the house of the petitioner was in good condition and does not need any repair work and has shown apprehension that the petitioner might escape.

After hearing Mr. Deepak Chaudhary, Advocate for the petitioner; Mr. J.S. Brar, Asstt. Advocate General, Punjab on behalf of the State and on perusal of the records.

It is abundantly reflected from what has been detailed above by the own stand of the petitioner that upon his conviction and filing of appeal and having been denied the relief of suspension of sentence for being in possession of commercial quantity of contraband, he has resorted to such a prayer. The District Magistrate in his report (Annexure P2) has well considered the grant of this parole and has found it to be unsubstantiated and rather was found to be false.

No doubt, the State Government as per the new rules under the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 has paved the way for easy parole upto 21 days per quarter but the Courts have to circumspect the necessity of such a parole and the purpose for which it is being availed of. As has been contended by learned State counsel, after a thorough inquiry the competent authority has reached a conclusion that there was no such occasion for the repair of the house so claimed by the petitioner to be in bad shape and rather has expressed apprehension that being dealing in narcotics there is every likelihood of his absconding the law. Besides the fact that upon his prayer for suspension of sentence having been turned down he has come up in this petition apparently a camouflage attempt to bye-pass the orders of denial of his release by this Court. What has been denied to him cannot be allowed to be attained so soon thereafter by resorting to such a process. The petitioner cannot be allowed to have a relief by adopting falsehood and based on wrong and deceitful grounds as has been found out by the competent authority during inquiry. Apparently finding no merit in the contentions of learned counsel for the petitioner, the prayer for release of the petitioner on parole being unfounded and unsubstantiated needs to be dismissed and the same stands dismissed.

(FATEH DEEP SINGH)
JUDGE

May 2, 2016
rps