

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

CRWP-203 of 2017

Date of Decision:- 23.02.2017

Nirmal Singh

... Petitioner

Versus

The State of U.T. Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MRS. JUSTICE SNEH PRASHAR

Present:- Mr. Hoshiar Singh Jaswal, Advocate,
for the petitioner.

S.S.SARON, J.

The petitioner Nirmal Singh by way of the present petition under Article 226 of the Constitution of India seeks quashing/setting aside of the order dated 06.12.2016 (Annexure P-4) whereby his prayer for temporary release on parole has been declined. A further prayer has been made to re-consider his claim afresh and grant him four weeks parole.

The petitioner has been convicted by the learned Judge, Special Court, Chandigarh on 22.05.2014 in Crime No.02 dated 02.03.2011 registered by the Narcotic Control Bureau for committing an offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985. He has been sentenced to undergo rigorous imprisonment for 15 years; besides, pay a fine of Rs.1,00,000/-. At present the petitioner is undergoing his imprisonment in Model Jail, Chandigarh. A criminal appeal i.e. CRA No. D-1256-DB of 2014 against his conviction and sentence is pending in this Court which was admitted on 13.08.2014.

The petitioner had earlier been granted parole from time to time. However, by the impugned order dated 06.12.2016, the Inspector

General of Prisons, U.T. Chandigarh (respondent No.1) has declined parole to the petitioner on the ground that the District Magistrate, Jalandhar, Punjab did not recommend his case for release on parole in view of the report of the Senior Superintendent of Police, Jalandhar, Punjab. The said reports of the District Authorities at Jalandhar stated that due to the Vidhan Sabha Elections 2017, there would be danger to the security of the State and to the maintenance of Public Order if the petitioner was released on parole.

The Vidhan Sabha Elections 2017 are now over and the petitioner had earlier been granted parole. Therefore, in the facts and circumstances it would be just and expedient if the Inspector General of Prisons, U.T. Chandigarh (respondent No.1) re-considers the application of the petitioner for temporary release on parole.

The writ petition is accordingly disposed of with the direction that the Inspector General of Prisons, U.T. Chandigarh (respondent No.1) shall re-consider the temporary release of the petitioner on parole as expeditiously as possible and preferably within six weeks of receipt of copy of the order.

(S.S.SARON)
JUDGE

(SNEH PRASHAR)
JUDGE

February 23, 2017

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Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No