

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

208

Criminal Writ Petition No.789 of 2017

Date of Decision: November 27th, 2017

Jugal Kishore

...Petitioner

Versus

The State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Ms. Sarla Chaudhry, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

M.M.S. BEDI, J. (ORAL)

For having been convicted under Section 18 of the NDPS Act for possession of about 3 kilograms of opium, the petitioner is undergoing sentence of imprisonment for a period of 12 years along with fine. His application for parole has been declined on the basis of the report of District Magistrate, Bikaner.

On notice having been issued to the respondents, reply has been filed by Deputy Inspector General of Prisons, Punjab, along with the report of District Magistrate, Bikaner. Since the report of District Magistrate for non-recommendation of release of petitioner on parole was not specific and clear, a fresh report was called. The fresh report dated 26.09.2017 (Annexure R-5) reads as follows:-

“The District Superintendent of Police, Bikaner stated in his report vide letter No.8670 dated 25.09.17 that to approve the case of the convict for 6 week parole is not appropriate. Copy of the report enclosed herewith”.

The District Magistrate has relied upon the report of

District Superintendent of Police, Bikaner, dated 25.09.2017. No report of District Superintendent of Police, Bikaner, has been appended, however, the earlier report of District Superintendent of Police dated 25.01.2017 exists on the file. The petitioner is admittedly not involved in any other criminal case under NDPS Act. The reformatory approach in cases of convict of NDPS Act is required to be adopted in order to enable the convicts under NDPS Act to reform themselves and to revive their lives as respectable citizens by maintaining their connections with the society.

Taking into consideration the above said objective of parole, we are of the considered opinion that there being no adverse report from the members of the society where the petitioner is to spend the period of parole for agricultural purposes, the parole cannot be denied. In order to ensure that the petitioner does not indulge in similar activity for which he has been convicted, he would be required to furnish an affidavit and surety to the effect that he would not indulge in any activity under the NDPS Act while on parole. The parole will be granted to the petitioner subject to the above said condition for shorter period i.e. for three weeks. In case the petitioner is able to establish his good conduct during period of parole by not indulging in any activity under NDPS Act, he would be entitled for the said benefit in future otherwise he would lose his right for consideration for parole on the basis of his conduct.

The writ petition is allowed.

It is directed that petitioner will be released on parole for a period of three weeks for agricultural purposes on his furnishing requisite sureties along with additional surety that he will not indulge in any activity

under NDPS Act and in case of any threat to the surety, the parole will be cancelled forthwith. Copy of this order be sent to the concerned quarter.

(M.M.S. BEDI)
JUDGE

November 27th, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No