

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Writ Petition No.799 of 2017

Date of Decision: October 24, 2017

Tarsem Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: None for the petitioner.

Ms.Manjri Nehru Kaul, Additional AG, Punjab.

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Surya Kant, J. (Oral)

The petitioner is a convict under Section 21 of the NDPS Act in the case arising out of FIR No.109 dated 24.12.2013, registered at Police Station Lambra, District Jalandhar. The petitioner was found in conscious possession of 500 grams Heroin. The Special Court, Jalandhar, convicted and sentenced him to undergo RI for 12 years vide judgment and order dated 11.08.2016 against which he preferred an appeal which is pending in this Court.

[2] The petitioner meanwhile applied for his release on parole to enable him to meet his family members but his request having been declined, he has approached this Court.

[3] The respondents have filed their reply-affidavit dated 25.09.2017 and it will be useful to reproduce the stand taken by them in opposition. The relevant extract of para No.4 of the reply-affidavit is to the following effect:-

“.... As per report the family members of the convict can

meet him through meetings in Jail time to time and those are already held meetings with him. The above Convict can again start business of drugs if he is released on parole and also can abscond from parole leave. The facts mentioned in Local Panchayatnama for parole leave have found incorrect. There is apprehension of violation of law and order and therefore, there is a danger to State and Public peace and order. So, therefore, the parole leave of convict Tarsem Singh is not recommended as per above circumstances.....”

[4] We have heard the learned State counsel and gone through the records.

[5] We do not find any substance in the three-fold objections raised by the respondents. Firstly, the meeting with some of the family members in the jail premises for a short duration has no parity with the petitioner staying together with his family members while on parole. There is a mark difference between the two meetings. Secondly, apprehension that the petitioner would abscond, has no factual basis. There are no past instances where the petitioner attempted to flee from law. The violation of law and order by the petitioner also appears to be a mere apprehension, for there is neither any other case registered against him under the NDPS Act nor under any penal law.

[6] Be that as it may, if the petitioner indulges in any illegal activities, the law will take its own course. As regard to the facts mentioned in the Local Panchayatnama, we are satisfied that the matter requires afresh consideration by the authorities. The petition is thus allowed to the extent that the earlier objections of the respondents for not releasing the petitioner on parole are set-aside and it is directed that the petitioner's case for his release on parole be considered afresh in terms of the observations made

herein-above.

[7] Let a fresh decision in this regard be taken within a period of two months from the date of receiving a certified copy of this order.

[8] Ordered accordingly.

[9] Dasti.

[SURYA KANT]
JUDGE

October 24, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No