

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

(258)

CRWP-1448-2017

Decided on: January 22, 2018.

Gurdev Singh

.... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Rishu Mahajan, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

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

Reply filed. Copy given.

Through instant writ petition, petitioner Gurdev Singh seeks a direction for grant of emergency parole for six weeks to enable him to undertake agricultural work in his land. His application has been declined on the basis of Annexure P-1 which is also Annexure R-1 filed along with reply. The reason for declining parole to the petitioner is that he is involved in three more criminal cases: (i) FIR No.123 dated 30.11.2011 under Section 22 of the NDPS Act, PS Valtoha, Tarn Taran (ii) FIR No.52 dated 17.11.2012, under Section 21 of the NDPS Act, PS Fazilka and (iii) FIR No.272 dated 10.10.2013, under Sections 411/414/489-A/489-B/489-C/489-D; 15 of the NDPS Act etc. P.S. City Tarn Taran. He has been acquitted in two cases but in third FIR No.272 dated 10.10.2013, a quashing petition has been filed in the High Court and is stated to be pending. There is another criminal cases i.e. FIR No.290 of 2013 under Section 29 of the NDPS Act P.S. City Tarn Taran against the petitioner, as mentioned in the reply.

The material which has been relied upon by the Deputy Commissioner, Tarn Taran for declining parole to the petitioner, are beyond the details mentioned in the original order Annexure P-1.

After going through the reply and the nature of the allegations against the petitioner, we are of the considered opinion that District Magistrate, Tarn Taran is required to carefully reconsider the case of the petitioner for grant of parole by considering the nature and stage of the other cases. In case, the District Magistrate is satisfied that there are no serious allegations against the petitioner of indulging in the activities under the NDPS Act again and the same could be controlled, it will be open to the District Magistrate to allow the concession of parole to the petitioner considering the reformatory objectives of parole. Order Annexure P-1 is set aside.

The petition is allowed in above terms.

Fresh order passed be communicated to the petitioner within a period of three months after the receipt of this order.

(M.M.S. BEDI)
JUDGE

January 22, 2018.
harsha

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No