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

CWP No.11021 of 2018 (O&M)

Date of decision: September 28 , 2018

Bahadur Singh @ Varinder Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.S.Lakhanpal, Advocate,
for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

Rakesh Kumar Jain, J. (Oral)

The petitioner has challenged the order dated 20.11.2017, by which his application for temporary release on parole has been declined.

In brief, the petitioner is suffering 10 years sentence in Central Jail, Hoshiarpur after his conviction on 30.11.2016 in a case registered vide FIR No.46 dated 13.03.2013, under Sections 22/61/85 of the NDPS Act, 1985 at Police Station Dasuya, District Hoshiarpur. He has alleged that he has not been released on parole from the last four years of his sentence and had applied for six weeks parole to meet his family members. However, his application has been declined by the impugned order dated 20.11.2017 on the ground that the petitioner is a habitual offender against whom as many as 12 criminal cases are registered. The respondents have given detail of the criminal cases registered against the petitioner in their reply which is being depicted here-in-below:-

1. FIR No.69 dated 25.08.2007, registered under Section 15 of the NDPS Act, 1985 at Police Station Bullowal, District

Hoshiarpur, in which he has been convicted on 26.03.2014 to undergo RI for a period of four years and to pay a fine of ₹20,000/- and in default of payment of fine, to further undergo RI for five months.

2. FIR No.37/2011 registered under Sections 382/34 IPC at Police Station Tanda, District Hoshiarpur, in which he has been convicted on 28.10.2011 to undergo RI for a period of two months and to pay a fine of ₹500/- and in default of payment of fine, to further undergo SI for seven days.
3. FIR No.114 dated 28.08.2010, registered under Sections 379/411 IPC at Police Station Dasuya, District Hoshiarpur, in which he has been convicted on 03.11.2011 to undergo RI for a period of five months.
4. FIR No.34 dated 01.03.2006, registered under Section 420 IPC at Police Station Mukerian, District Hoshiarpur, in which he has been convicted on 12.03.2012 to undergo RI for a period of eight months and to pay a fine of ₹1,000/- and in default of payment of fine, to further undergo RI for fifteen days.
5. FIR No.20 dated 12.02.2014, registered under Sections 379/411 IPC at Police Station City, Hoshiarpur, in which he has been convicted on 07.09.2016 to undergo RI for a period of one year.
6. FIR No.68 dated 20.08.2012, registered under Sections 379/411/420/465/467/468/471/482 IPC at Police Station Mahilpur, District Hoshiarpur, in which he has been convicted on 04.01.2017 to the sentence already undergone.
7. FIR No.34/2005, registered under Sections 323/324/506 IPC at Police Station Dasuya, District Hoshiarpur, in which he has been acquitted on 10.08.2011.
8. FIR No.21 dated 20.03.2011, registered under Sections 399/402 IPC and 25 of the Arms Act at Police Station Dasuya, District Hoshiarpur, in which he has been

acquitted on 19.02.2015.

9. FIR No.217 dated 09.11.2010, registered under Sections 457/380 IPC at Police Station Tanda, District Hoshiarpur, in which he has been acquitted on 23.03.2015.
10. FIR No.188/2010, registered under Sections 379/411 IPC at Police Station CR Park, New Delhi, in which he has been discharged on 09.02.2016.
11. FIR No.151/2010 registered under Sections 382/411 IPC at Police Station Dasuya, District Hoshiarpur, in which he has been acquitted on 22.07.2016.
12. FIR No.07 dated 01.02.2011, registered under Sections 379/411 IPC at Police Station Dasuya, District Hoshiarpur, in which he has been acquitted on 12.12.2017.

Though the counsel for the petitioner has tried to argue that the registration of aforesaid criminal cases do not bar the petitioner from grant of parole but counsel for the respondents has stressed upon the fact that the petitioner is a habitual offender and may indulge in such nefarious activities in case of his release on parole and may also abscond.

Keeping in view the aforesaid facts and circumstances and especially in view of the fact that the petitioner is a habitual offender, as has been depicted by the respondents here-in-above and that he may abscond in case of his release on parole, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 28, 2018
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(Rakesh Kumar Jain)
Judge

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