

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 12687 -2018 (O&M)
Date of decision: 05.12.2018

Surjit Kumar

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.Vishal Khatri, Advocate for
Mr.Subhash Kumar, Advocate for the petitioner
Mr.Sunint Kaur, AAG Punjab

1. *Whether Reporters of Local newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner has filed the present writ petition under Articles 226/227 of Constitution of India seeking writ in the nature of certiorari to quash impugned order dated 11.4.2018 (Annexure P-1) passed by respondent no.3 rejecting his parole for a period of six weeks. Petitioner also seeks writ of mandamus directing the respondents to grant him parole for a period of six weeks to enable him to meet his family members and settle other domestic affairs.

Petitioner has been convicted in FIR No.93 dated 12.8.2003 under Section 15 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhogpur, District Jalandhar and sentenced to

undergo RI for ten years in addition to fine vide judgment of conviction and order of sentence dated 2.6.2008, passed by learned Judge, Special Court, Jalandhar. Petitioner has undergone more than four years sentence. He prayed for parole to meet his family members, which has been declined vide impugned order dated 11.4.2018 (Annexure P-1).

State has filed reply, in which, it is stated that as many as 16 cases are registered against the petitioner under NDPS Act, 1985 and that he is likely to abscond if released on parole. The District Magistrate has taken almost the same grounds.

I have heard learned counsel for the parties and have also carefully gone through the file.

Parole has been declined to the petitioner on the ground that as many as 16 cases are registered against the petitioner.

Learned counsel for the petitioner contends that except in two cases, the petitioner is on bail in all other cases. He further contends that he was regularly appearing before the Court in all other cases. It is further stated that son of the petitioner is to undergo eye surgery and that his presence is required regarding which he has filed medical summary dated 30.8.2018 along with medical record.

Considering that except the cases in which conviction has been recorded, the petitioner is on bail in all other cases and that he has got medical emergency in the family and that apparently there is no apprehension that the petitioner may abscond justice as he is having his family, impugned order dated 11.4.2018 (Annexure P-1) passed by respondent no.3 is not sustainable in the eyes of law. As such, the impugned order is hereby quashed. Petitioner is granted four weeks parole to meet his

family members, arrangement for the surgery of his son and attend domestic affairs subject to furnishing surety bonds to the satisfaction of District Magistrate concerned. After the expiry of the said parole, the petitioner shall surrender at the jail gate.

Petition is allowed accordingly.

05.12.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No