

251
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-16691-2018 (O&M)
Date of decision : 27.11.2018

Jaswinder Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Prabhjeet Kaur, Advocate for
Mr. Kushal Deep S. Sandhu, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Petitioner has challenged the order dated 13.4.2018 (Annexure P-1) vide which her application for parole for six weeks was declined by the Deputy Commissioner, Shaheed Bhagat Singh Nagar.

Petitioner was convicted under Section 21 of the Narcotic Drugs and Psychotropic Substance Act, 1985 and sentenced to undergo rigorous imprisonment for a period of 10 years and fine of Rs. 1.00 lacs by learned Judge, Special Court, Jalandhar vide judgment of conviction and order of sentence dated 7.9.2017. The appeal against the said judgment of conviction and order of sentence dated 7.9.2017 is pending before this Court since the year 2017.

Petitioner applied for parole under Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 to enable her

to meet her family members but the same has been declined on two grounds.

One is that she was also booked under Section 52-A of the Prisons Act, 1894, P.S. Kotwali, District Kapurthala and second is that SHO, P.S. Banga has reported that convict is habitual of selling intoxicant.

So far as the first ground is concerned, if she has committed the jail offence, she will have to suffer for the same and will be prosecuted. Regarding the second ground, except the report of the SHO, Police Station Banga, there is nothing on file to show that the petitioner is habitual of selling the intoxicants. Petitioner is not booked in any other case under NDPS Act. Therefore, report of the SHO, Police Station, Banga is just based on his apprehension and without any tangible evidence.

It being so, the order dated 13.4.2018 (Annexure P-1) passed Deputy Commissioner, Shaheed Bhagat Singh Nagar is set aside. Parole for six weeks to meet the family members is allowed subject to furnishing of surety to the satisfaction of the District Magistrate, Shaheed Bhagat Singh Nagar.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

27.11.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No