

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

**CWP-22861-2018 (O&M)
Date of decision:07.12.2018**

Ram Pal @ Sonu

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. A.S. Trikha, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Kuldip Singh, J. (Oral)

Petitioner seeks quashing of order dated 12.03.2018 (Annexure P-1), passed by Deputy Commissioner, SBS Nagar, vide which, his request for six weeks parole, was rejected.

Reply by way of affidavit of Rajiv Kumar Arora, PPS, Deputy Superintendent, Central Jail, Amritsar on behalf of respondents No.1 & 3 along with Annexures R-1/T & R-2/T and reply by way of affidavit of Vinay Bublani, IAS, District Magistrate, Shaheed Bhagat Singh Nagar on behalf of respondent No.4 along with Annexure R-1, have been filed in Court today are taken on record.

Heard.

Petitioner was arrested in FIR No.123 dated 21.04.2014 under Sections 22 of NDPS Act 1985, registered at Police Station Sadar Nakodar,

District Jalandhar for keeping in possession of 475 grams of intoxicant material. He was ultimately convicted in the year 2016 and is in jail since the time of his arrest. Petitioner applied for six weeks parole to meet his family members under Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act 2015. This is the first parole which has been applied by him. The parole was declined on the ground that six other cases are pending against him and he is a habitual offender.

In reply, the State has taken a stand that the petitioner is involved in seven criminal cases including present one and he is a habitual offender. Therefore, there is an apprehension of breach of peace and danger to the security of the State. It is also apprehended that the petitioner may jump parole.

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

There is a mention about one offence in jail in which, he is on bail. Otherwise, it is not alleged that his conduct in the jail is consistently bad. Regarding six other cases, it comes out that he has been either acquitted or FIR has been quashed in other cases except three cases which are pending. He is on bail in the said three cases. His brother is stated to be gangster. However, the same cannot be used against the petitioner to deny the parole. The parole can be granted for the purpose to meet his family members to socialize the convict with his family members and the society.

It being so, impugned order dated 12.03.2018 (Annexure P-1) passed by Deputy Commissioner, SBS Nagar, is hereby quashed. Petitioner

be released on parole for four weeks to enable him to meet his family members on his furnishing personal bonds with surety to the satisfaction of District Magistrate concerned.

Accordingly, petition is allowed.

(KULDIP SINGH)
JUDGE

07.12.2018

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Whether speaking/ reasoned:	Yes
Whether Reportable:	No