

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

**CWP-30466-2018 (O&M)
Date of decision:11.12.2018**

Sukhwinder Singh @ Sukha

.....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. G.S. Bajwa, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Kuldip Singh, J. (Oral)

Petitioner has filed this petition under Article 226/227 of the Constitution of India for quashing of order dated 25.10.2018 (Annexure P-2), passed by learned District Magistrate, Amritsar, vide which, his parole for six weeks to take care of his family, was rejected on the ground that there is threat to the security of the state and maintenance of public order.

In the present petition, another ground is taken that the petitioner is to meet his ailed mother and attend the marriage of his niece, which is stated to be fixed for 13.12.2018. Copy of the marriage card was also attached. State was directed to verify the marriage and today, verification report has been filed. It is found that marriage of the niece of the petitioner is fixed for 13.12.2018 at Kathunangal. A copy of the wedding card is also annexed along with ID card of niece of the petitioner.

Learned counsel for the petitioner presses the petition only on the ground of the marriage of niece of the petitioner and to meet his family members. Custody certificate is also filed by learned counsel for the petitioner which shows that as on 31.08.2018 out of 10 years sentence awarded by the trial Court under Section 22 of the NDPS Act, he has undergone actual sentence of 02 years, 07 months & 08 days, which will now come to around 02 years & 11 months.

Considering that the marriage of the niece of the petitioner is fixed, therefore, under Section 3(i)(a) & (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the petitioner is entitled to release on parole as there is nothing on the file that there is any threat to the security of the state and maintenance of public order. Therefore, the impugned order dated 25.10.2018 (Annexure P-2), passed by learned District Magistrate, Amritsar, is quashed. Petitioner is ordered to be released on parole for three weeks to attend the marriage of his niece and to meet his family members and also for treatment of his mother on furnishing surety bonds to the satisfaction of District Magistrate, concerned.

Petition is accordingly allowed.

Copy of this order be given to counsel for the petitioner under the signatures of the Bench Secretary of this Court.

(KULDIP SINGH)
JUDGE

11.12.2018
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Whether speaking/ reasoned:
Whether Reportable:

Yes/No
Yes/No