

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

CWP No. 3233 of 2018
Date of Decision: 11.09.2018

RAJINDER KUMAR

... Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Ms. Bhupinder Pal Kaul Brar, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 16.03.2017 (Annexure P-4) passed by the District Magistrate, Amritsar by which his application for seeking four weeks' parole for house repair has been rejected.

In brief, the petitioner is presently lodged in Central Jail, Amritsar, suffering sentence of 12 years for the offence committed under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The petitioner has filed an application for six weeks' parole, under Section 3 (1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, for house repair. The petitioner has also attached the *Panchayatnama* in support of his case. The respondents have contested the application of the petitioner on the grounds, firstly, house of the petitioner is not in such a condition which require any repair but it is also submitted that the first floor of his house, which is not inhabited, is in bad condition. Secondly, it is submitted that the petitioner, if allowed parole, may again indulge in the trade of narcotics.

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On the other hand, learned counsel for the petitioner has submitted that there is only one case registered against the petitioner in which he is suffering the sentence.

I have heard learned counsel for the parties and after taking into consideration the aforesaid facts and circumstances, the present petition is hereby allowed and the petitioner is ordered to be released on four weeks parole subject to his furnishing of bail bonds to the District Magistrate, Amritsar, who is directed to impose conditions, as he deem fit and necessary for securing the presence of the petitioner in the Jail after completion of the period of parole.

September 11, 2018

Ess Kay

**[RAKESH KUMAR JAIN]
JUDGE**

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No
<i>Whether Reportable</i>	:	Yes	/	No