

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

CWP No. 6025 of 2018

Date of Decision: 03.10.2018

JAGIR SINGH

....Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has applied for parole to meet the family members in terms of the Punjab Good Conduct Prisoners (Temporary Release), Act, 1962 (hereinafter referred to 'the Act').

In brief, the petitioner is suffering 12 years' sentence in a case registered vide FIR No. 261 dated 22.09.2014 under Sections 21/25/61/85 of the NDPS Act, 1985 at Police Station Cantonment and is presently lodged in the Central Jail, Amritsar. It is submitted that the petitioner has not availed any benefit of parole or furlough. The application of the petitioner has been rejected by the District Magistrate, Amritsar vide order dated 11.04.2017 on the ground that the facility of meeting the family members of the prisoner is provided in the Jail itself during the meeting (Mulaqat time) and for that purpose parole is not required and that the petitioner has been sentenced for having in his possession 7.250 Kg of heroine.

Learned counsel for the petitioner, however, has further submitted the petitioner is not involved in any other case/offence, much less, the jail offence, except the one in which he has been convicted and sentenced.

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I have heard learned counsel for the parties and after perusal of the record, am of the considered opinion that the apprehension of the respondents is totally misconceived. The petitioner has a right to seek the benefit of parole especially when there is no allegation against him for his misconduct/misbehave in the Jail. It appears that the petitioner is the first offender. Therefore, in the facts and circumstances, the petition is allowed and the petitioner is ordered to be released on parole for three weeks to meet his family members after furnishing the bail bonds to the District Magistrate concerned who is further directed to impose necessary conditions in the order of parole to ensure the presence of the petitioner in the Jail after the completion of the period of parole.

October 3, 2018

Ess Kay

**(RAKESH KUMAR JAIN)
JUDGE*****Whether speaking / reasoned :***✓
Yes / No***Whether Reportable :*****Yes / No**