

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

**CWP-6875-2018 (O&M)
Date of decision : 1.11.2018**

Lakhwinder Singh

..... Petitioner.

Versus

State of Punjab and others

..... Respondents.

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.
Ms. Sunint Kaur, 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 invoked the writ jurisdiction of this Court for grant of temporary release of the petitioner for six weeks under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and for quashing of the order dated 11.4.2017 (Annexure P-2) vide which parole of the petitioner was disallowed by the District Magistrate, Amritsar.

It comes out that petitioner is undergoing sentence of 12 years at Central Jail, Amritsar after his conviction under the Narcotic Drugs and Psychotropic Substance Act, 1985. He applied for parole of six weeks to take care of his family, consisting of his wife and three children.

The District Magistrate is of the opinion that family members can meet the prisoner during the Mulaqat from time to time. The recommendation of the Panchayat in the resolution was found to be incorrect. It was further mentioned that if the prisoner is sent on parole, there is a threat of security of the State and maintenance of public order.

After going through the order passed by the District Magistrate, Amritsar on 11.4.2017, I am of the view that the said order is not sustainable in the eyes of the law. Meeting the family in the Mulaqat in he prison is different from meeting the family at home and doing the required service to the family as a free man. The Panchayat had recommended the release of the petitioner.

I fail to understand that how the security of the State and maintenance of public order is involved particularly when it is not alleged that the petitioner is involved in any other case.

As such, impugned order dated 11.4.2017 (Annexure P-2) passed by District Magistrate, Amritsar is quashed and the District Magistrate, Amritsar is directed to release the petitioner on parole for six weeks to meet his family members subject to furnishing surety to his satisfaction.

Petition stands disposed of.

(KULDIP SINGH)
JUDGE

1.11.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No