

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.8407 of 2018
Date of Decision: 12.09.2018

Varinder Singh

..... Petitioner

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Harchand Singh Batth, Advocate,
for the petitioner.

Ms.Lavanya Paul, AAG, 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 03.07.2017 passed by respondent No.3 whereby the prayer of the petitioner for parole has been declined on the ground that if he is released on parole then there would be a threat to the security of the State, maintenance of public order and apprehension of breach of peace.

In brief, the petitioner is suffering 10 years imprisonment in a case registered vide FIR No.118 dated 24.09.2013 under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act,1985 (for short the "Act") at Police Station C-Division, Amritsar. The petitioner has applied for parole to meet his family members. His application for parole has been declined by the respondents only on the ground that in case of his release there would be a threat to the security of the State, maintenance of public order and apprehension of breach of peace.

Learned counsel for the petitioner has submitted that the apprehension of the respondents is totally unwarranted because the petitioner is not involved in any other case. It is also submitted that the

petitioner has not been released on parole even once.

I have heard learned counsel for the parties and after taking into consideration the facts and circumstances of the case, am of the considered opinion that the petitioner deserves the concession of parole as he is involved only in one case in which he is suffering sentence. There is no material brought on record by the respondents for having apprehension that in case of release of the petitioner there would be a threat to the security of the State, maintenance of public order and breach of peace.

Thus in view thereof, the present petition is hereby allowed and the impugned order dated 03.07.2017 is set aside. The petitioner is ordered to be released on parole for a period of 4 weeks subject to his furnishing bail bonds to the satisfaction of District Magistrate, Rupnagar, if he is presently confined in District Jail, Rupnagar.

It is further submitted that the petitioner was brought from the Central Jail, Amritsar to the District Jail, Rupnagar for his treatment at PGI. In case, the petitioner has been re-transferred to the Central Jail, Amritsar, then he would present the bail bond to the satisfaction of District Magistrate, Amritsar.

It is needless to mention that the concerned District Magistrate shall impose necessary conditions in his order of releasing the petitioner on parole for securing his presence after completion of the parole period.

12.09.2018

Jyoti-IV

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No