

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.8993 of 2018
Date of Decision:08.08.2018

Bikram Singh @ Rinku

. Petitioner

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

Ms.Lavanya Paul, AAG, Punjab.

RAKESH KUMAR JAIN, J.

The petitioner is confined in Central Jail, Amritsar after having been convicted in a case registered vide FIR No.85 dated 16.4.2013 under Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] at Police Station A Division, Amritsar for a period of 12 years with a fine of ₹1 lakh, by the Additional Sessions Judge, Amritsar on 14.3.2017.

The appeal filed by the petitioner against his conviction and sentence bearing No.CRA-DB-399-DB-2017 is pending after admission in which fine has been stayed.

Learned counsel for the petitioner, in support of his statement, has relied upon an order passed by this Court in CWP No.8036 of 2018 titled as ***"Sumit Kumar Vs. State of Punjab and others"*** decided on 25.4.2018 in which the application for parole was declined on the similar grounds and this Court had set aside the order and remanded the case back for reconsideration.

Learned counsel for the respondents has only reiterated the stand taken in the impugned order alleging that the application of the petitioner for seeking parole was sent to the SSP, Amritsar Rural, Amritsar for enquiry, who after obtaining the report from the DSP, Sub Division, Attari, has observed that if parole is granted to the petitioner then he may cause threat to the State security, maintenance of public order and may also indulge in the same trade.

I have heard both the learned counsel for the parties and after perusal of the record, am of the considered opinion that the reason assigned by the respondents for declining the benefit of parole to the petitioner is a mere apprehension specially when the petitioner has not allegedly repeated the offence and has been convicted in the said offence for the first time. The case of the petitioner is squarely covered by the decision of this Court rendered in the case of *Sumit Kumar (Supra)*, therefore, the present petition is hereby allowed and the matter is remanded back to the respondents to reconsider the case of the petitioner in the light of the judgment rendered by this Court in the case of *Sumit Kumar (Supra)* and record a considered finding about the alleged danger by the petitioner to the security of the State and maintenance of the public order on his release on parole. The needful shall be done within a period four weeks from the date of receipt of certified copy of this order.

08.08.2018

Vivek(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No