

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

CWP No.9248 of 2018
Date of Decision:15.05.2018

Gurwinder Singh @ Gindi

. Petitioner

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Vishal Khatri, Advocate,
for the petitioner.

Ms.Bhavna Gupta, DAG, Punjab.

RAKESH KUMAR JAIN, J.

The petitioner was convicted and sentenced to undergo imprisonment for 12 years and to pay fine of ₹1 lac vide order dated 14.3.2017 passed by the Special Court, Amritsar in the FIR No.85 dated 16.4.2013 registered under Sections 21 & 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] at Police Station A. Division, Amritsar. Presently, he is confined in Central Jail, Amritsar and has applied for parole for six weeks to meet his family members and to look after his ailing mother. He has also appended Panchayat Nama but his application for parole was not recommended by the SSP, Amritsar (Rural) to the District Magistrate, Amritsar.

After notice, respondents No.1 to 3 & 5 have filed their reply in which it is averred that the District Magistrate, Amritsar vide his letter dated 18.10.2017, addressed to the Superintendent, Central Jail, Amritsar, has not

recommended the case of the petitioner for the relief of parole on the basis of the report of the SSP, Amritsar (Rural), who is of the view that the petitioner, after his release on parole, may again indulge in the business of intoxicant and may even abscond. It is also observed that there is a threat to the security of the State and maintenance of public order in case the petitioner is released on parole.

Learned counsel for the petitioner has relied upon a decision of the Division Bench of this Court rendered in the case of “*Bansi Lal Vs. State of Punjab and others*” 2016 (1) PLJ (Criminal) 55 in which almost a similar controversy was involved but the writ petition was allowed and the order of the District Magistrate was set aside. The case was remanded back to the Superintendent Jail to file fresh recommendation for temporary release of the petitioner to the District Magistrate.

Learned counsel for the respondents has failed to cite any law to the contrary. Thus, relying upon the decision of the Division Bench of this Court rendered in the case of *Bansi Lal (Supra)*, the present petition is hereby allowed and the order of the District Magistrate, Amritsar by which the recommendation has been declined is hereby set aside and the matter is remanded back for a fresh decision in terms of the decision of the Division Bench decision of this Court rendered in the case of *Bansi Lal (Supra)*. It is further directed that the exercise shall be completed within a period of four weeks from the date of receipt of certified copy of this order.

15.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No