

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 9620 -2018 (O&M)
Date of decision: 07.12.2018

Sukhraj Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.G.S. Goraya, Advocate for the petitioner
Mr.Sunint Kaur, AAG Punjab

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner has invoked the writ jurisdiction of this Court under Articles 226/227 of Constitution of India for issuing the writ in the nature of certiorari quashing impugned order dated 11.9.2017 (Annexure P-1), passed by respondent no.2, whereby the application of the petitioner for parole has been rejected. Further mandamus has been sought for grant of six weeks parole.

Heard.

Petitioner was convicted under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 for keeping in his possession 12 kgs heroin and sentenced to undergo Rigorous Imprisonment for 12 years in addition to fine vide judgment of conviction and order of sentence dated 20.9.2014 passed by learned Additional Sessions Judge, Amritsar.

Petitioner is in custody since registration of FIR i.e. 21.1.2012. He applied

for parole to meet his family members, which has been declined vide impugned order (Annexure P1).

Reply of the State was obtained, in which, plea has been taken that heavy quantity of heroin was recovered from the petitioner and that there is apprehension of breach of security of State and maintenance of public order. Parole was not recommended by the Senior Superintendent of Police, Amritsar (Rural). State has also referred to five cases, which show that in those cases, either he has been acquitted or he has already been sentenced and completed his sentence. At present no case is pending against the petitioner. Petitioner is in custody for the last 6 years and more than 10 months. His appeal is pending before this Court. He wants to meet his family members.

Learned counsel for the petitioner states that during the intervening period, two of his daughters and his father died. Therefore, he wants to meet his family members.

There is no averment in the reply that while in jail, he committed any jail offence or any other offence and that his conduct in the jail was not upto the mark.

Considering the entirety of circumstances, I am of the view that impugned order dated 11.9.2017 (Annexure P-1), passed by respondent no.2 rejecting the parole of the petitioner only on the ground that heavy quantity of heroin was recovered from him about 6 years and 10 months back, is no ground to decline parole. Accordingly, impugned order dated 11.9.2017 (Annexure P-1), passed by respondent no.2 is hereby quashed. Petitioner is ordered to be released on parole for a period of six weeks to meet his family members subject to furnishing surety to the satisfaction of District

Magistrate, Amritsar. After the expiry of the said parole, the petitioner shall surrender at the jail gate.

Petition is allowed accordingly.

07.12.2018

(Kuldip Singh)
Judge

gk

Whether speaking/ reasoned: Yes

Whether Reportable: No