

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

CWP No.9901 of 2018
Date of Decision: 18.07.2018

Bikram Singh @ Vicky

..... Petitioner

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Sultan Singh Gill, Advocate,
for the petitioner.

Ms.Rukhsaar Dhindsa, AAG, Punjab.

RAKESH KUMAR JAIN, J.

The petitioner is suffering life sentence in Central Jail, Amritsar on account of his conviction on 8.8.2017 in a case registered vide FIR No.178 dated 30.6.2015 under Sections 302, 419, 420, 466, 467, 468, 471, 148, 120-B, 34 of the Indian Penal Code, 1860 [for short 'the IPC'] and Section 25 of the Arms Act, 1959 at Police Station Sultanwind, District Amritsar. In addition to this, another FIR No.275 dated 21.9.2016 under Sections 420, 467, 468, 471 and 120-B of the IPC at Police Station Sultanwind, District Amritsar and FIR No.13 dated 14.10.2016 under Sections 21, 29, 61 & 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] at Police Station Special Operation Cell Amritsar, District Amritsar have also been registered against the petitioner and are pending trial. The allegation in FIR No.13 dated

14.10.2016 is of recovery of 1 Kg heroin and cash of ₹1 lakh from the petitioner and his possible links with the smugglers of heroin from across the border. The petitioner has applied for six weeks parole in terms of Section 3(1)(aa) & (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 [for short 'the Act'] alleging that his mother is seriously ill. Section 3(1)(aa) & (d) of the Act provides the grounds for seeking temporary release in case of serious illness of the mother of the prisoner and on account of any other sufficient cause which also includes critical condition of any member of the family on account of accident. The application of the petitioner has already been rejected on 21.3.2018, as mentioned by the petitioner in para 5 of the petition, by the District Magistrate, Amritsar.

Legally speaking, the petitioner should have filed a writ of certiorari for seeking quashing of the order dated 21.3.2018 but he has only prayed for mandamus. In any case, while rejecting the application of the petitioner, the District Magistrate, Amritsar has made a reference to the other two cases pending against him and the fact that 1 Kg heroin and ₹1 lakh has been recovered from him and there is possible links of the petitioner with the smugglers operating from Pakistan and that there is an apprehension of his absconding.

Learned counsel for the petitioner, however, submits that the alleged FIR is still at the stage of trial and it is yet to be established as to whether he was involved in the commission of the said offence or has some kind of links with the smugglers of Narcotics.

I have heard learned counsel for the parties and have perused the record.

As a matter of fact, the petitioner has applied for parole on the ground that his mother Rajwinder Kaur is seriously ill. In this regard, he has appended certificate issued by Dr.A.P. Singh, A.P. Hospital, Ajit Nagar, Amritsar. In the said certificate, it is mentioned that Rajwinder Kaur is a patient of hypertension. She had been operated for left atrial myxoma and is suffering from recurrent left vent failure. Interestingly, there is no date on the said certificate issued by the Doctor and there is no medical history of the patient, therefore, this Court is unable to believe the said medical certificate, obtained from the private doctor for the purpose of holding that the mother of the petitioner has been ill, to consider his application of parole.

In view of the aforesaid facts and circumstances, I do not find any reason to interfere in the present petition and hence, the same is hereby dismissed.

18.07.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*