

214
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2888-2019 (O&M)
Date of decision : 12.7.2019

Pargat Singh **Petitioner**

Versus

State of Punjab and others **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. H.S. Batth, Advocate for the petitioner.

Mr. Nikhil K. Chopra, Addl. AG, Punjab.

KULDIP SINGH, J.

Short affidavit of Rajiv Kumar Arora, Deputy Superintendent, Central Jail, Amritsar filed on behalf of respondents No. 1 to 3 in Court today is taken on record.

Heard.

Petitioner has impugned the order dated 24.12.2018 (Annexure P-5), passed by Deputy Commissioner, Tarn Taran-respondent No. 3 vide which application of the petitioner seeking parole for six weeks for house repair was rejected on the ground that if the petitioner is released on parole, he will again indulge in the business of selling drugs.

It comes out that the petitioner has been convicted under Section 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'the Act') and sentenced to undergo rigorous imprisonment for a period of 12 years vide judgment of conviction and order of sentence dated 20.11.2017 passed by learned Judge Special Court, Tarn Taran.

Reply of the State along with report from PWD department was called for so as to show as to whether the house of the petitioner needs

repair or not?

A perusal of the impugned order dated 24.12.2018 (Annexure P-5) as well as the reply filed by the State shows that there was another FIR No. 23 dated 22.2.2013 registered under Section 22 of the Act against the petitioner which is prior to the date of the case. The petitioner was convicted in the present case.

State in its reply does not say that there is apprehension that petitioner will abscond. It also states that there is no threat to the security of the State. The only ground taken is that he will again indulge in the sale of drugs.

I am of the view that such apprehension can be met by imposing appropriate conditions to watch the conduct of the petitioner while on parole. Panchayat has also taken the responsibility for his return. Police also does not have the apprehension that he will abscond. As per report of PWD, his house needs repair.

In view of the matter, present petition is allowed and the impugned order dated 24.12.2018 (Annexure P-5), passed by Deputy Commissioner, Tarn Taran-respondent No. 3 is set aside. Petitioner is ordered to be released on parole for six weeks for house repair on furnishing adequate surety to the satisfaction of the District Magistrate concerned. It shall be open to the State to impose adequate conditions to ensure that the petitioner does not indulge in sale of drugs.

(KULDIP SINGH)
JUDGE

12.7.2019
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