

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

CWP-7297-2019

Date of Decision:19.11.2019

Jodhbir Singh @ Jodha

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.J.S.Bains, Advocate
for the petitioner

Ms.Anu Pal, DAG Punjab
for the respondents

RAJIV NARAIN RAINA, J. (ORAL):

1. Through this petition, the petitioner has sought for a writ in the nature of certiorari for quashing of the order dated 14.05.2018 (P-1) passed by respondent No.2 whereby benefit of parole to the petitioner has been denied so also for issuance of a writ in the nature of mandamus directing the respondents/State to grant the benefit of parole to the petitioner for a period of six weeks to enable him to meet his family members.

2. The petitioner was convicted and sentenced to undergo imprisonment for 12 years under Sections 21/25/29/61/85 of the NDPS Act and Sections 411/420/468/471 IPC, in case FIR No.7 dated 19.04.2015 registered at Police Station State Special Operation Cell, Amritsar, District Amritsar.

3. Learned counsel for the petitioner submits that the petitioner was convicted vide order dated 22.08.2017 by the trial Court. He has been

in jail since his arrest i.e. 19.04.2015 and has undergone imprisonment for 4½ years as an under trial and after conviction putting together. His application for parole to meet his family members has been declined by the District Magistrate, Amritsar vide impugned order dated 14.05.2018 stating that if the petitioner is granted parole he may abscond and there is also a danger to maintenance of public order.

4. The two reasons assigned by the District Magistrate, Amritsar, are not germane in cases of consideration of parole and are also supported by a catena of judgments passed by this Court, which need not be referred to burden this order.

5. Before this Court, the State has contested the case limited to two grounds of rejection in the impugned order supporting the written statement filed in the Court today, which is taken on record. No fresh matter has been brought to the notice in the written statement, which may take away the right of consideration. This is not a case where the parole should be denied to the petitioner to associate with his family and society, which is a reformatory approach adopted by the Court. The jail record of the petitioner is not adverse as nothing has been mentioned either in the impugned order or in the written statement. Moreover, the respectables of the area have taken responsibility for the petitioner of his remaining on good conduct in case parole is granted.

6. Accordingly, this petition is allowed. The impugned order dated 14.05.2018 is set aside. The petitioner is granted parole to meet his family members for six weeks to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as required to secure the presence of the petitioner in jail after the period of parole is over

and done with.

7. The petitioner will provide his contact number to the concerned Station House Officer and will remain in touch with the police station of his movements, periodically.

19.11.2019

neenu

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes
Yes/No