

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

CWP No. 6489 of 2019

Date of Decision: 09.09.2019

Simranjeet Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Kushaldeep S. Sandhu, Advocate
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

RAJIV NARAIN RAINA, J. (Oral)

1) Through this petition, the petitioner has sought issuance of a writ in the nature of certiorari for quashing of the order dated 07.02.2019 (P-1) passed by respondent No.2-the District Magistrate, Sangrur 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 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 rigorous imprisonment for five years under Sections 22/61/85 of the Narcotic, Drugs & Psychotropic Substances Act, 1985 in case FIR No.60 dated 14.10.2016 registered at Police Station, Sandher, District Sangrur.

3) Perusal of the impugned order shows that the application of the petitioner has been rejected only on the ground that there is likelihood that the petitioner may indulge in sale of drugs if released on parole. The past history of three criminal cases under the NDPS Act has been recorded in the impugned order. However, learned counsel for the petitioner submits that apart from the above mentioned case one more case under the NDPS Act in FIR No.7 dated 12.03.2015 is pending against the petitioner in which he has been granted bail. In reply also the grounds for rejection of request of the petitioner have been reiterated. However, State in its reply does not say that there is apprehension that the petitioner will abscond or he will be a threat to the security of the State of his release may cause breach of public order.

4) The only ground of rejection of the request of the petitioner is that if released on parole he will indulge in sale of intoxicant and peace in the village may be disturbed. The likelihood of committing a crime while on parole would not be a sufficient ground to decline temporary release on parole as mere likelihood of committing crime is not to be taken as apprehension of a threat to the security of the State or the maintenance of public order. It is also not disputed that the conduct of the petitioner in jail is satisfactory and his reports are good.

5) In view of the above, the petition is allowed. The impugned order dated 07.02.2019 (Annexure P-1) is quashed. The petitioner is granted parole for six weeks from the date of release to the satisfaction

of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual toward the ends of securing the presence of the petitioner in jail after the period of parole, is over and done with and the temporary release is not misused.

6) Ordered accordingly.

(RAJIV NARAIN RAINA)
JUDGE

09.09.2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No