

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

**CWP-7725-2019 (O&M)
Date of decision : 8.7.2019**

Mohd. Tahir

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Nandan Jindal, Advocate for
Mr. P.S. Sekhon, Advocate for the petitioner.

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

KULDIP SINGH, J.

Impugned in the present petition is the order dated 18.10.2018 (Annexure P-2), passed by respondent No. 3-District Magistrate, Sangrur, District Sangrur, Punjab, vide which parole of the petitioner to meet his family members was declined.

The petitioner was convicted and sentenced to undergo rigorous imprisonment for 10 years under Section 22 of the Narcotics Drugs and Psychotropic Substances Act 1985 registered at Police Station Sandaur, District Sangrur vide judgment of conviction and order of sentence dated 19.3.2018.

The impugned order dated 18.10.2018 (Annexure P-2) as well as the reply filed by the State shows that the parole of the petitioner has been declined on the ground that if the petitioner is released on parole he will sell intoxicants during his parole.

The impugned order dated 18.10.2018 (Annexure P-2) further shows that the petitioner has two minor children aged 10 years and 9 years, respectively in addition to his wife and old age mother.

After going through the reply and the impugned order dated 18.10.2018 (Annexure P-2), a query was put to learned State counsel as to whether any other case was pending or decided against the petitioner, to which learned State counsel, on instructions from ASI Harpreet Singh has stated that no other case is pending against the petitioner. Since it is only one case and there is no other case pending against the petitioner, it cannot be said that petitioner is habitual in selling intoxicants. Mere from one crime, it cannot be said that the petitioner is indulged in sale of intoxicants and that if he is released on parole, he will again sell the intoxicants. It is mere apprehension of the authorities without any basis. Petitioner has two minor children to look after in addition to his wife and old age mother.

Considering the facts and circumstances of the case, I find that the impugned order dated 18.10.2018 (Annexure P-2) is not sustainable in the eyes of law and is hereby quashed. Petitioner is ordered to be released on parole for a period of six weeks on furnishing adequate surety to the satisfaction of District Magistrate concerned to meet his family members. It will be open to the authorities to put up appropriate conditions to safeguard the interests of the State.

Disposed of.

(KULDIP SINGH)
JUDGE

8.7.2019
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