

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

Letters Patent Appeal No.1300 of 2019 (O&M)

Date of Decision: 18.07.2019

Davinder Singh alias Kaka

.....Appellant

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Nandan Jindal, Advocate for the appellant.

KRISHNA MURARI, CHIEF JUSTICE

CM No. 2831-LPA of 2019

Heard. For the reasons mentioned in the application, delay of
32 days in re-filing the appeal is condoned. Application stands disposed of.

LPA No. 1300 of 2019

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 04.04.2019 passed by the learned Single Judge dismissing the petition filed by the appellant challenging the order dated 24.09.2018 rejecting his application for grant of parole.

2. Facts required to be noticed are limited in number and can be summarized as under:-

Appellant-petitioner was convicted under section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') and sentenced to undergo rigorous imprisonment for 10 years. He made an application for being released on parole which was dismissed by the Authorities on the ground that he was a habitual smuggler of narcotic

substances and if he is allowed to be released on parole he will again indulge in smuggling besides he also had the history of running away from the custody of the police.

3. The order was challenged by the appellant by filing Civil Writ Petition No. 1440 of 2016 which was disposed of by the learned Single Judge of this Court vide order dated 08.12.2016 by making the following observations:-

“In my opinion the impugned order does not show that the petitioner had run away from the police custody. Now, there are 7 more cases which are stated before me to be pending. I think Deputy Commissioner, Sri Muktsar Sahib is required to mention the detail and also to consider the judgment in case, therefore, the matter is remitted to the Deputy Commissioner, Sri Muktsar Sahib, for fresh consideration within 6 weeks from the date of receipt of certified copy of this order.”

4. In compliance of the above order passed by this Court, the matter was reconsidered and the parole was declined vide order dated 24.09.2018 mainly on the ground that there are 8 cases registered against the appellant out of which five are under the NDPS Act and another four under different sections of Indian Penal Code including 392 and 388 of the Indian Penal Code. The report of the Senior Superintendent of Police that if he is released on parole, there is no chance of returning back in jail and there would be a threat to the State security and public order, was also taken into consideration while rejecting the request of parole. The order also records that he has escaped from the police custody once for which also a case was registered. Learned Single Judge considering the entire facts and circumstances dismissed the writ petition.

5. In view of the fact that the appellant is habitual smuggler and has continuously involved himself into the offences under the Narcotic Drugs and Psychotropic Substances Act, 1985 as well as of the Indian Penal Code, we also see no reason to take a view different from the one taken by the learned Single Judge.

The appeal is thus devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

18.07.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√