

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

**CWP-13687-2019 (O&M)
Date of decision : 1.7.2019**

Sunil Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Arti Kaur, Advocate for the petitioner.

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

KULDIP SINGH, J.

Petitioner has impugned the order dated 11.4.2019 (Annexure P-1) passed by Deputy Commissioner cum District Magistrate, Shahid Bhagat Singh Nagar vide which prayer of the petitioner for releasing him on parole for six weeks was declined on the ground that petitioner is habitual of selling intoxicants and that if he is released on parole during election period, he can supply intoxicant substances and create law and order problem. He can also jump parole. There is also danger to the State security.

I have heard learned counsel for the parties and gone through the case file.

Petitioner has sought parole on the ground that his parents have passed away and he is the only brother of four sisters out of which two sisters are married and two are of marriageable age i.e. 20 years and 22 years, respectively. His sisters are living with his maternal grandmother. He

wants to look after his sisters.

It comes out that the petitioner was convicted under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act') and sentenced to undergo rigorous imprisonment for 10 years in addition to fine vide judgment of conviction and order of sentence dated 7.8.2018 in case FIR No. 49 dated 6.6.2015 registered at Police station Mukandpur, District SBS Nagar.

Reply filed by the State Government as well as the impugned order dated 11.4.2019 passed by Deputy Commissioner cum District Magistrate, Shahid Bhagat Singh Nagar show that one more case under the NDPS Act regarding recovery of 5 KG of poppy husk was registered against the petitioner.

Learned State counsel on instructions from ASI Kirpal Singh has informed that petitioner has already undergone the sentence of one year in the said case.

Therefore, there is no such history of the petitioner which shows that he is habitual in selling intoxicant substances. It appears that primarily due to general elections, the parole was declined. The apprehension of the State that petitioner can jump parole and pose a threat to state security are mere apprehensions without any basis.

It being so, there is no reasonable ground at present to decline the parole. Hence, the impugned order dated 11.4.2019 passed by Deputy Commissioner cum District Magistrate, Shahid Bhagat Singh Nagar, is set aside. Petitioner is ordered to be released on parole for a period of six weeks

for taking care of his family, subject to furnishing adequate surety to the satisfaction of the District Magistrate, Shahid Bhagat Singh Nagar.

Petition is allowed accordingly.

(KULDIP SINGH)
JUDGE

1.7.2019
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No