

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18528-2019 (O&M)

Date of decision : 25.07.2019

Hans Raj

..... Petitioner

Versus

UT Chandigarh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr.Gurbir Singh Sandhu, Advocate for the petitioner
Mr.Sandeep Vashisht, DAG Haryana
Mr.J.S.Toor, APP UT Chandigarh

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (Oral)

Impugned in the present petition is order dated 1.4.2019 (Annexure P-5) passed by the District Magistrate/Deputy Collector (South West), Delhi vide which, prayer of the petitioner for grant of parole was declined.

Learned State counsel has filed reply in Court. The same is taken on record.

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

Parole has been declined on the ground that though residential address of the convict is verified and convict is not habitual offender but he is involved in NDPS case and in the event he is released on parole, he may create law and order problem in the society. Reply itself shows that the

petitioner was granted parole three times from the years 2015 to 2017 and every time he surrendered within time. During these three paroles, he did not create any law and order problem.

In these circumstances, when it is stated that he is not habitual offender, the apprehension of the State that he will create law and order problem is without any material and basis.

It being so, the impugned order dated 1.4.2019 (Annexure P-5) is hereby quashed. The petitioner is ordered to be released on parole for 28 days to meet his family members and attend domestic affairs, on furnishing surety to the satisfaction of the District Magistrate concerned who may impose such conditions as may deem fit and necessary.

Petition is allowed accordingly.

25.07.2019

gk

**(Kuldip Singh)
Judge**

Whether speaking/reasoned

Yes

Whether reportable

No