

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 02.09.2019****CWP No.19340 of 2019**

Manjit Singh @ Laddu

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Satwant Mehta, Advocate, for the petitioner.

Ms. Anu Pal, DAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

1. The prayer in the present petition is for setting aside the order dated 31.05.2018 (Annex P-1) passed by the Deputy Commissioner, Tarn Taran, whereby the request of the petitioner for releasing him on parole for repair of his house has been declined.

2. The petitioner was convicted and sentenced by the Judge, Special Court, Tarn Taran to undergo rigorous imprisonment for a period of 12 years and to pay a fine of Rs.1 Lac under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 in case FIR No.64 dated 13.06.2012 registered at Police Station Chohla Sahib. Criminal Appeal bearing CRA-D-783-DB of 2017 preferred by the petitioner has been dismissed by the Division Bench of this Court by order dated 11.04.2019.

3. Reply on behalf of respondent No.3 has been filed in Court today and the same is taken on record. Learned Law Officer on the basis of

reply filed submits that the petitioner is a habitual offender and except the present case, there are four other cases registered against him, details of which are given in para 4 of the reply. She further submits that if the petitioner is released on parole, he is likely to misuse the concession and again indulge in anti social activities.

4. I have heard Ms. Satwant Mehta and Ms. Anu Pal on the petition.

5. A perusal of the details given in para 4 of the reply filed on behalf of respondent No.3 today reveals that out of four cases, the petitioner was acquitted in two cases; discharged in one case; while convicted and sentenced to undergo 4 months imprisonment in one case. The apprehension of the State that he may indulge in selling of intoxicant substance is hypothetical. To allay the apprehension, adequate conditions can be imposed on him and his conduct can be kept under watch in case parole is granted. The only ground taken is that he will again repeat the similar offence in future. The likelihood of involvement 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 active and real apprehension of a threat to the security of the State or to the maintenance of public order. It has not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good. My view is that the benefit of temporary release by way of parole is admissible.

6. In view thereof, the petition is allowed and the impugned order dated 31.05.2018 (Annex P-3) is set aside. Petitioner is ordered to be released on 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.

7. Petition stands allowed accordingly.

02.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No