

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

Date of decision: 29.08.2019

CWP No.20769 of 2019

Sandeep Kumar @ Deepa

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. O.P.Kamboj, Advocate, for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition has been filed challenging the order dated 14.03.2019 passed by the Additional District Magistrate, Fazilka by which request of the petitioner for grant of parole to meet his family and to repair his house was declined.

2. The petitioner was convicted and sentenced to undergo life imprisonment in case FIR No.154 dated 26.11.2014 under Section 18 of the NDPS Act registered at Police Station Sadar Abohar, District Fazilka vide judgment and order passed by the Special Judge, Fazilka on 05.04.2018.

3. A perusal of the impugned order as well as the reply filed by the State shows that his case for parole is declined on the ground that the petitioner is a smuggler and may indulge in the smuggling of contraband.

4. Having heard Mr. O.P. Kamboj and Mr. Sourabh Mohunta, DAG, Haryana, I am of the view that this is not a case in which parole should be denied to the petitioner to meet his family members and to repair

his house. The only ground taken is that the petitioner may involve in smuggling and he may abscond. The likelihood of absconding and involving in smuggling 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 apprehension of a threat to the security of the State or 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.

5. In view thereof, the petition is allowed and the impugned order dated 14.03.2019 passed by the Additional District Magistrate, Fazilka is set aside. Petitioner is ordered to be released on parole for six weeks to meet his family members and to repair his house on furnishing adequate surety to the satisfaction of the District Magistrate concerned. It shall be open to the State to impose adequate condition/s including heavy surety to ensure that the petitioner does not indulge in smuggling during parole and a close watch can be kept on him during the period of parole. The petitioner will surrender at the jail gates within the time specified.

6. Petition stands allowed accordingly.

29.08.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>