

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

CWP-23725-2018 (O&M)
Date of decision : 15.7.2019

Tasveer Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

KULDIP SINGH, J (ORAL)

Petitioner is aggrieved by the order dated 26.6.2018 (Annexure P-2), passed by respondent No. 3 vide which agricultural parole of the petitioner for six weeks was declined.

Heard.

It comes out that the petitioner was convicted in case FIR No. 150 dated 20.2.2009, registered under Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') and sentenced to undergo rigorous imprisonment for a period of 13 years including fine by the then Judge, Special Court, Karnal, vide judgment of conviction and order of sentence dated 26.11.2010.

Petitioner was granted three weeks emergency parole on 1.3.2011 with the direction to surrender in jail on 23.3.2011 but he absconded for a period of two years. Consequently, a case FIR No. 133 dated 05.04.2011 registered under Section 8 and 9 of the Prisons Act, 1894 was registered at Karnal.

It comes out that while he was on parole, he was arrested in case FIR No. 36 dated 15.3.2013, registered under Section 18 of the NDPS Act at Police Station Sarhali, District Tarn Taran, Punjab, in which he was convicted by learned Special Court-cum-Additional Sessions Judge, Tarn Taran on 20.8.2015 and sentenced to undergo RI for 15 years in addition to fine.

Order dated 27.6.2018 passed by Commissioner, Karnal Division, Karnal shows that there are two other pending cases registered against the petitioner i.e., FIR No. 168/2011 under Section 294, 397 of the Indian Penal Code, registered at Police Station Bahadurpur, Madhya Pradesh and FIR No. 211/2011 under Section 267 of the Indian Penal Code, registered at Pipria, Madhya Pradesh. It also comes out that earlier the petitioner approached this Court challenging the order dated 19.4.2017 passed by the Commissioner, Rohtak Division, Rohtak vide which agricultural parole of the petitioner was declined. A Division Bench of this Court vide order dated 13.9.2017 (Annexure P-1) while considering that petitioner has jumped parole and committed another offence declined the parole of the petitioner.

I am of the view that second sentence of 15 years is yet to start. Earlier the emergency parole was given to the petitioner which was misused by him. Considering the criminal background of the petitioner that he belongs to Madhya Pradesh and he was first arrested and sentenced in a case regarding recovery of narcotics substance made in the Karnal District Haryana State and then after jumping parole, he was arrested in Tarn Taran

by Punjab State and he was convicted in the case also, there is every possibility that if the petitioner is released on parole, he may misuse the same and indulge in the same criminal activities.

Dismissed.

(KULDIP SINGH)
JUDGE

15.7.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No