

CWP-23828-2018

[1]

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

**CWP No.23828 of 2018 (O&M)
Date of decision: March 08, 2019**

Ravi Dass Singh @ Ravi

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to quash the order of the District Magistrate, Amritsar dated 23.2.2018 (Annexure P-2) whereby the application of the petitioner for release on parole has been rejected. It has also been prayed that the respondents be directed to release the petitioner on parole.

The petitioner is undergoing imprisonment for ten years in case FIR No.101 dated 29.5.2014 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Salem Tabri, District Ludhiana after his conviction by the Trial Court.

The petitioner submitted an application to the Superintendent Central Jail, Amritsar for grant of parole for the treatment of his wife who is suffering from UTI enteric fever and to meet his family members. The application was forwarded to the District Magistrate, Amritsar. Report of the Senior Superintendent of Police was also sought. In his report the Senior Superintendent

of Police, Amritsar (Rural) stated that it is apprehended that if the petitioner is released on parole he may indulge in narcotic activity again and may abscond while on parole. It was also opined that there was threat to Security of the State and maintenance of public order if the petitioner is released on parole. Based thereon the request for parole was rejected.

Notice of motion was issued and reply by way of affidavit of Rajiv Kumar Arora, Deputy Superintendent, Central Jail, Amritsar has been filed on the similar lines.

Learned counsel for the petitioner has argued that the grounds for rejection are baseless.

The impugned order declining parole to the petitioner cannot sustain as the grounds mentioned therein are not made out in the facts of this case.

It has been held by Division Bench of this Court in **Ram Chander Vs. State of Punjab and others 2017(3) RCR(CrI) 340** that likelihood of committing a crime while on parole would not be a sufficient ground to deny temporary release on parole as merely likelihood of committing a crime is not to be taken as apprehension of a threat to the security of the State or maintenance of public order.

The ground that there is a possibility of the petitioner absconding or involving in other serious crime while released on parole, appears to be a mere apprehension in the mind of the Authority as no material has been referred to justify such apprehension. Temporary Release Acts envisage temporary release of convicts. Mere fact that a person is convicted for an offence does not mean that he will abscond or involve in similar crimes again if he is released on parole. As held by a Division Bench of this Court in **Baljit Singh Vs. State of Punjab**

jump parole it can always impose adequate conditions including asking for heavy surety.

As regards the ground that there would be danger to security of State and maintenance of public order if the petitioner is released all that needs to be said is that no material in support thereof has been brought on record by the respondents. It has been held by a Division Bench of this Court in **Jassa Singh Vs. State of Punjab** 2016(1) Law Herald 587 that for reaching the satisfaction of danger to the security of the State or maintenance of public order there has to be material before the competent authority for arriving at that conclusion. Parole cannot be denied on mere generalization. Accordingly this ground is also not made out.

Accordingly, this petition is allowed. The impugned order is set aside. The respondents are directed to release the petitioner on parole for a period of four weeks subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of four weeks of his release.

March 08, 2019

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(**HARINDER SINGH SIDHU**)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No