

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

**CWP No.25968 of 2018 (O&M)
Date of decision: February 13, 2019**

Ranjit Kaur

....Petitioner

Vs.

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Mikhail Kad, Advocate for
the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to quash the report of the Senior Superintendent of Police, Sangrur dated 3.9.2018 (Annexure P-5) submitted to the District Magistrate, Sangrur reporting that the petitioner is in the habit of selling intoxicants and has ruined lives of many youngsters and that her release on parole is not recommended. It has also been prayed that the respondents be directed to release the petitioner on parole.

The petitioner is undergoing rigorous imprisonment for four years in case FIR No.30 dated 21.2.2015 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Moonak, District Sangrur after her conviction by the learned Judge, Special Court, Sangrur. Her appeal CRA-S-900-SB-2018 is pending adjudication before this Court.

The petitioner filed an application for release on parole for meeting her

family as her husband is suffering from Benign Hypertrophy of Prostate (BHP). Her request was forwarded by the Superintendent, District Jail Sangrur to the District Magistrate, Sangrur, who further sought a report from the Superintendent of Police, Sangrur, who submitted the impugned report (Annexure P-5). The petitioner filed the present petition apprehending that on the basis of this report, her request for parole may be rejected.

Two separate replies dated 29.10.2018 and 1.11.2018 were filed on behalf of respondents No.2 and 3 and respondents No.1 and 4 respectively. It was stated that on the basis of the impugned report, the District Magistrate, Sangrur has rejected the parole case of the petitioner vide order dated 15.10.2018.

Considering that the parole of the petitioner had been rejected only on the ground that she was in the habit of selling intoxicants and would again join the business, the respondents were required to file an affidavit of the SSP supplying the material on the basis of which the recommendation to deny parole was made. Pursuant thereto affidavit dated 19.12.2018 of Dr.Sandeep Kumar Garg, SSP, Sangur has been filed. In the affidavit it has been stated that an enquiry had been got conducted through Station House Officer, Police Station Moonak, District Sangrur, who reported that the matter had been enquired openly and secretly and it had been found that the petitioner is in the habit of selling intoxicants and she has thereby ruined the lives of many youngsters. If she comes out on parole it cannot be guaranteed that she would not sell intoxicants. A joint statement of villagers was recorded by HC Tarsem Lal. The DSP agreed with the report of the SHO and did not recommend the release of the petitioner on parole. The SSP (Investigation), Sangrur also concurred with the said reports.

she is in the habit of selling intoxicants, she may do so again and thereby ruin the lives of youngsters. A Division Bench of this Court in **Ram Chander vs. State of Punjab and others, 2017(3) RCR(Criminal) 340**, has observed that the likelihood of committing a crime 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 which alone constitute grounds on which parole can be denied. No such circumstance has been pointed out. It is also important to note that it has not been mentioned that any other case under the NDPS Act or for any other offence is registered against the petitioner or that she has been convicted earlier for such an offence.

Thus, the order 15.10.2018 declining parole to the petitioner cannot sustain.

Accordingly, this petition is allowed. The order dated 15.10.2018 (Annexure R-1/T) is set aside. The respondents are directed to release the petitioner on parole for a period of three weeks subject to her furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of three weeks of her release.

February 13, 2019

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No