

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

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**CWP No. 27778 of 2018
Date of Decision : 4.4.2019**

Davinder Singh alias Kaka

.....Petitioner

v.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. Nandan Jindal, Advocate, for the petitioner

Mr. Sandeep S. Deol, DAG, Punjab

KULDIP SINGH, J. (Oral)

The petitioner moved before this Court under Articles 226/227 of the Constitution of India for issuing the writ of certiorari for quashing the order dated 24.9.2018 (Annexure P-2), passed by respondent No.3, whereby application of the petitioner for parole was declined. Further prayer is for releasing the petitioner on parole for 6 weeks for agricultural purposes and to look after his family members.

The petitioner was convicted under Sections 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act), and sentenced to undergo rigorous imprisonment for 10 years by the learned Special Judge, Patiala. Earlier, the petitioner moved CRWP No. 1440 of 2016, which was disposed of on 8.12.2016 with a direction to the Deputy Commissioner, Sri Muktsar Sahib, to mention the details and also consider the judgment in the case of '**Jassa Singh @ Jassa v. State of Punjab, 2016 (1)**

Law Herald 587' and pass fresh order within 6 weeks.

Now the impugned order has been passed.

In the reply, the State has taken the plea that the petitioner was convicted in 4 cases and in 2 cases trial is pending. It is further stated that once he had jumped the parole and once he had escaped from police custody, therefore, the parole has rightly been declined.

I have heard learned counsel for the parties and gone through the case file.

It is not disputed by learned counsel for the petitioner that the petitioner once jumped parole and once escaped from police custody. It is stated that it happened 10 years back. Now he is in continuous custody for the last 5 years.

A perusal of the impugned order and record shows that the petitioner was convicted in 4 cases out of which, one is under NDPS Act and other is under Sections 398, 392, 465 and 420 IPC and under Section 25 of Arms Act. Another case is under Sections 223 and 224 IPC. 4 cases are regarding jail offences and out of 2 pending cases, one is under the NDPS Act.

Considering the history of the petitioner and the pendency of the cases, I do not find any illegality or perversity in the order passed by the District Magistrate, Sri Muktsar Sahib in declining the parole.

The instant writ petition is hereby dismissed.

(KULDIP SINGH)
JUDGE

4.4.2019

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No