

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 30234-2018(O&M)

Date of decision: 04.04.2019

Ghannu

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Abhishek Kaushik, Advocate for the petitioner
Mr.Sandeep S. Deol, DAG Punjab

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner has filed the present writ petition under Articles 226/227 of Constitution of India for quashing the order dated 19.7.2018 (Annexure P-2) and directing his temporary release on parole for six weeks to socialize with his family under Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

Petitioner was convicted under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, NDPS Act') for allegedly keeping in his possession 200 grams of intoxicating powder and sentenced to undergo RI for 12 years in addition to fine vide judgment of conviction and order of sentence dated 1.8.2017 passed by learned Judge, Special Court, Amritsar. He applied for parole to meet his family members, which was declined vide order dated 19.7.2018 Annexure P-2).

Reply of the respondents filed in Court. The same is taken on record. In the reply, it is stated that the petitioner may again indulge in sale of intoxicants and may abscond.

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

Perusal of the impugned order shows that the parole has been declined only on the ground that the convict can do the business of selling of intoxicants during parole period and can even abscond. There is a danger to the State security and maintenance of public order.

I am of the view that the petitioner is not stated to be habitual offender involved in NDPS Act. This is stated to be his first case. Therefore, it cannot be said the petitioner will indulge in sale of intoxicants. The Ground of abscond from justice is without any supporting evidence and is just apprehension of the authorities. There is nothing on file to show that there is threat to the State security and maintenance of public order.

Hence, the impugned order dated 19.7.2018 Annexure P-2) is quashed. Petitioner is ordered to be released on parole for a period of six weeks under Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 to meet his family members and socialize subject to furnishing surety bonds to the satisfaction of District Magistrate concerned. After the expiry of the said parole, the petitioner shall surrender at the jail gate.

Petition is allowed accordingly.

04.04.2019
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No