

CWP-30320-2018

[1]

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

**CWP No.30320 of 2018 (O&M)
Date of decision: February 26, 2019**

Kuldeep Singh alias Keepa

...Petitioner

Vs.

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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

Ms. Sunint Kaur, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to quash the order of the Deputy Commissioner, Shaheed Bhagat Singh Nagar dated 6.8.2018 (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 rigorous imprisonment for ten years in case FIR No.83 dated 25.6.2015 under Sections 21, 22, 29 and 31 of NDPS Act, Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar after his conviction by the learned Judge, Special Court, Shaheed Bhagat Singh Nagar.

The petitioner submitted an application to the Superintendent, Central Jail, Ludhiana for grant of parole to meet his family members, which was forwarded to the Deputy Commissioner, Shaheed Bhagat Singh Nagar. Upon the receipt of the report of the Senior Superintendent of Police, Shaheed Bhagat Singh

Nagar that on release the petitioner may again involve in business of narcotics and can badly affect the security of the State, and another case FIR No.121 dated 15.7.2014 u/s 15 NDPS Act, PS Goraya (recovery of 10 Kg of poppy husk) is pending against the petitioner, the Deputy Commissioner, Shaheed Bhagat Singh Nagar rejected the request for parole.

The impugned order declining parole to the petitioner cannot sustain as the grounds mentioned therein are 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 if he is released on parole. As held by a Division Bench of this Court in **Baljit Singh Vs. State of Punjab 2017(2) Law Herald 1796** if the State has any apprehension that the convict will jump parole it can always impose adequate conditions including asking for heavy surety.

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.

February 26, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No