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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-30450-2018 (O&M)
Date of decision : 8.4.2019

Parkash Chand

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.N.Ganeriwala, Advocate for the petitioner.

Mr. Sandeep S. Deol, AAG, Punjab.

KULDIP SINGH, J.

Heard.

Petitioner seeks quashing of the impugned order dated 19.9.2018 (Annexure P-1), passed by District Magistrate, Mandsaur (MP)-respondent No. 4 vide which application moved by the petitioner for parole has been rejected.

Petitioner was convicted in case FIR No. 15 dated 11.1.2014, P.S. City Ferozepur, under Sections 18/29 of the NDPS Act, 1985 and sentenced to undergo rigorous imprisonment for a period of 14 years in addition to fine vide judgment of conviction and order of sentence dated 9.2.2018 passed by learned Judge Special Court, Ferozepur. He was on bail during trial and after conviction he is in custody since the year 2014.

In the reply, State has taken the view that Senior Superintendent of Police, District Mandsaur did not recommend the parole case of the petitioner, therefore, same was rejected.

Learned State counsel has argued that case of the petitioner was not recommended by Senior Superintendent of Police, Mandsaur. Though

the ground for not recommending the case of the petitioner are not mentioned. It was for this reason, the parole has been declined by Additional District Magistrate, District Mandsaur (M.P.). It is further stated that now the Model Code of Conduct is in operation, therefore, otherwise, the petitioner cannot be released.

Considering the facts and circumstances and the fact that the Senior Superintendent of Police, Mandsaur has not assigned any reason for declining the parole and that the petitioner was on bail during trial and did not commit any other offence and also the fact that there is no other case against the petitioner, impugned order dated 19.9.2018 (Annexure P-1), passed by District Magistrate, Mandsaur (MP)-respondent No. 4 is liable to be quashed.

Accordingly, present petition is allowed and the impugned order dated 19.9.2018 (Annexure P-1), passed by District Magistrate, Mandsaur (MP)-respondent No. 4 is set aside. However, considering the fact that Model Code of Conduct is in operation and the parole is sought to meet the family members, petitioner is ordered to be released on parole to the satisfaction of the District Magistrate, Mandsaur (M.P.) on his furnishing surety to its satisfaction after the Election Code of Conduct is over.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

8.4.2019
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