

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

Civil Writ Petition No.5710 of 2018

Date of decision: February 25, 2019

Dilbag Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Umaid Singh Mann, Advocate with
Mr.Yashjot Singh Dhaliwal, 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 District Magistrate, Amritsar dated 18.10.2017 (Annexure R-1) 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 for house repair.

As stated in the petition, the petitioner is undergoing rigorous imprisonment for 20 years in case FIR No. 14 dated 02.07.2013, under Sections 120-B/489-B/489-C IPC Section 25 of the Arms Act 1959 and Sections 21/29 of the NDPS Act, registered at Police Station, State Special Operation Cell, District Amritsar. after his conviction by the Additional Sessions Judge, SAS Nagar Mohali.

The petitioner submitted an application to the Superintendent, New District Jail, Nabha for grant of parole for the purpose of House

Repair, which was recommended and forwarded to the District Magistrate, Amritsar vide letter dated 04.03.2017. In his report the Senior Superintendent of Police, Amritsar Rural stated that the petitioner is also involved in case FIR No. 136 under Sections 411/414 IPC Sections 18/21/22 NDPS Act registered at Police Station Lopoke, Amritsar, FIR No. 66 dated 27.04.2011 under Sections 22 NDPS Act, 1985 registered at Police Station Lopoke, Amritsar and FIR No.12 Dated 11.01.2006, under Sections 61/1/14 Excise Act, registered at Police Station Lopoke.

Based on the report of the Senior Superintendent of Police, Amritsar the District Magistrate, Amritsar rejected the parole application on the ground that if he is released on parole there would be a threat to the Security of State and maintenance of public order. It was also stated that the detail provided in the Panchayatnama submitted by the convict are not found to be correct.

In the reply filed by the Deputy Superintendent, Central Jail, Amritsar on behalf of the respondents the pendency of the above cases has been mentioned.

Thus, the ground on which parole has been denied to the petitioner is that if he is released on parole there is a threat to the Security of State and maintenance of public order and there are some other cases pending against him.

The order declining parole to the petitioner on the aforesaid grounds cannot sustain.

As regards the reason that there would be danger to security of State and maintenance of public order if the petitioner is released all that

needs to be said is that no material in support of such assertion has been brought on record by the respondents. It has been held by a Division Bench of this Court in **Jassa Singh Vs. State of Punjab** 2016(1) Law Herald 587 that for reaching the satisfaction of danger to the security of the State or maintenance of public order there has to be material before the competent authority for arriving at that conclusion. Parole cannot be denied on mere generalization. As regards the other cases it is not the case of the respondents that he has been convicted in those cases.

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 25 , 2019
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No