

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 16.11.2019****CWP No.25429 of 2019**

Harnek Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anupam Bhanot, Advocate, for the petitioner.

Ms. Anu Pal, DAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner is serving sentence in jail for a drug offence since 14.03.2018 on conviction by the Sessions Court. As an undertrial, he also spent time in jail. He made an application for parole to attend to his ailing mother, who requires knee surgery. The application has been rejected by the Deputy Commissioner, Tarn Taran by his order dated 23.07.2019 for the reason that although there is no threat to the security of the State and maintenance of public peace, but he might involve himself again in illegal activities during parole.

Apprehension that a convict will involve himself in illegal activities is not a presumption supported in judicial precedents. The ground is a weak ground and the case ought not to be the deciding factor. In the reply filed by the State today, there is a statement of the mother recorded by the police on 23.09.2019 that she is under treatment at Guru Nanak Dev Super Specialty Hospital, Tarn Taran. However, she does not need an operation as with oral medicines her health remains good. She also stated

that no Doctor gave any advice for surgery. If the reason for seeking parole is dislodged by the patient, the request of parole deserve to be declined even though this material was not available to the Deputy Commissioner, when he passed the order rejecting the application for other reasons.

I would, therefore, not interfere in the impugned order and would dismiss the petition, but with the observation that in case in future, the petitioner's mother is advised surgery and it is inevitable, then the petitioner can always apply for fresh consideration for grant of emergency parole.

With these observations, the petition stands dismissed.

16.11.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*