

CWP No.29420 of 2018

[1]

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

CWP No.29420 of 2018

Date of decision: 08.02.2019

Zora Singh

....Petitioner

Vs.

State of Punjab and Others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Vikas Garg, Advocate for
Mr. Vivek Goyal, Advocate for the petitioner.

Mr. Sanjay Vashisth, AAG, Haryana.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to quash the order of the District Magistrate, Moga dated 11.09.2018 (Annexure P-3) 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 14 years in case FIR No.42 dated 12.03.2013 under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Jagraon, District, Ludhiana after his conviction by the learned Judge, Special Court, Moga.

He has also been convicted and sentenced to undergo rigorous imprisonment for 10 years in case FIR No.9 dated 9.01.2012 under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Dharamkot, District, Moga. He has filed two separate appeals challenging the said judgments of his conviction. For his

conviction in FIR No.9 dated 9.01.2012 his sentence has been suspended during

pendency of his appeal.

The petitioner filed an application for release on parole for meeting his family. Relying on the report of the Senior Superintendent of Police dated 31.5.2018 in which it was stated that the petitioner is a drug addict and can jump parole, and also that there is danger to security of State and maintenance of public order if the petitioner is released, the District Magistrate, Moga rejected the parole of the petitioner.

The aforesaid order cannot sustain as neither ground mentioned for rejection of parole is made out in the facts of this case.

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.

As regards the ground 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 thereof 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. Accordingly this ground is also not made out.

The respondents are directed to re-consider the case of the petitioner for release on parole in view of the above observations. The exercise be carried out and necessary orders passed within a period of three weeks from the date of receipt of a certified copy of this order.

February 08, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No