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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/1/2019 15:53
I attest to the accuracy and
authenticity of this document

CWP-29702-2018 (O/M)
Date of decision : 29.1.2019

Lakhbir Singh alias Kheeru

..... Petitioner (s)

Versus

State of Punjab and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishal Khatri, Advocate,
for petitioner.

Ms. Sunint Kaur, AAG Punjab.

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KULDIP SINGH, J. (ORAL)

Reply by way of affidavit of Hardev Singh, PPS, Deputy Superintendent of Police, Sub Division Goindwal Sahib, District Tarn Taran, on behalf of respondents No. 1, 3, 4 alongwith annexure filed in Court today and same is taken on record.

Petitioner is undergoing 14 years imprisonment for committing offence under Sections 21, 22 of NDPS Act, 1985, in addition to fine, vide judgment of conviction and order of sentence dated 28.3.2017, passed by learned Judge, Special Court, Tarn Taran. His prayer for parole to meet family members under Section 3(1) (d) of Punjab Good Conduct Prisoner's (Temporary Release) Act, 1962, has been declined by Deputy Commissioner, Tarn Taran, on the ground that petitioner will abscond after getting parole and there is danger to security/maintenance and peace of State, vide order dated 3.10.2018 (Annexure-P-2).

In the reply, State has taken same stand stating that inquiry was got conducted through police and there is danger that petitioner, if released on parole, will abscond and there is danger to security of State also.

I have heard learned counsel for parties and have also carefully gone through file.

After going through reply and facts of case, I am of view that there is nothing on file to shows that while in jail, petitioner committed some offence or his conduct is such that he will abscond or there will be danger to security of State or public peace. He wants to meet his family. Therefore, apprehension of Deputy Commissioner/District Magistrate, Tarn Taran, is imaginary and without any material on file to arrive at such conclusion. As such, impugned order dated 3.10.2018 (Annexure-P-2), passed by Deputy Commissioner, Tarn Taran, is set aside. Petitioner is ordered to be released on parole for four weeks to meet his family members on his furnishing adequate surety to satisfaction of Deputy Commissioner/District Magistrate, Tarn Taran. Petition is thus allowed.

(KULDIP SINGH)
JUDGE

29.1.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No