

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-1143-2020
(Heard through VC)
Date of decision: 17.08.2020

Amritpal Singh @ Amba

....Petitioner

V/s.

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. R.S.Sekhon, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl.A.G., Punjab.

Ritu Bahri, J. (Oral)

By this petition, the petitioner is seeking quashing of order dated 29.11.2019 (Annexure P-1) whereby application made by the petitioner for grant of parole has been rejected by the Deputy Commissioner, Tarn Taran. As per the order dated 29.11.2019 (Annexure P-1), the case of the petitioner was sent to the Senior Superintendent of Police and as per the report of Senior Superintendent of Police received vide letter dated 20.11.2019, the petitioner could sell heroin again after coming out on parole and may abscond keeping in view that recovery from the petitioner was commercial quantity. Keeping in view this report, application of the petitioner for parole has been declined.

After notice of motion, short reply of Deputy Superintendent, Central Jail, Ferozepur on behalf of respondents No. 1 to 3 has been filed. Learned counsel for the State while referring to short reply has argued that petitioner after coming out on parole can indulge in selling heroin again and may abscond. He has referred to para 4 in which details of 5 FIRs registered against the petitioner have been mentioned.

Learned counsel for the State further submits that keeping in view background of the petitioner, his case for grant of parole has been rightly rejected by the Deputy Commissioner vide order dated 29.11.2019 (Annexure P-1).

Learned counsel for the petitioner has referred to an order passed by this Court in **CRWP-2156-2019** titled as ***Jeet Singh V/s. State of Punjab and others***, decided on 07.01.2020, whereby petition has been allowed by the Coordinate Bench of this Court observing that pendency of FIRs cannot be made a ground to decline release of the petitioner on parole.

In the present case, as per the custody certificate dated 08.08.2020 the petitioner has undergone 3 years and 22 days out of 10 years in custody and he has not availed parole even once during these past 3 years. Merely on apprehension that the petitioner will again indulge in selling heroin and even registration of FIRs, cannot be made a ground to deny him right to meet his family after 3 years.

Hence, petition is allowed and direction is given to the respondents to release the petitioner on six weeks' parole to meet his family.

17.08.2020

Divyanshi

**RITU BAHRI
(JUDGE)****Whether speaking/reasoned:****Yes/No****Whether reportable:****Yes/No**