

208

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

CRWP-4224-2020

Date of Decision:18.09.2020

SHIV CHARAN SINGH @ BABLI

.....Petitioner

Vs

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. R.P. Singh, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

The petitioner has assailed the order dated 17.04.2020 passed by respondent No.2 vide which the prayer for release on parole was dismissed on the basis of report dated 14.04.2020 submitted by respondent No.3.

While rejecting the prayer, respondent No.2 has taken into account the report dated 14.04.2020, submitted by the respondent No.3 to the effect that the petitioner is involved in FIR No.181 dated 24.06.2013 under Sections 420, 419, 465, 468, 471, 120-B IPC, Police Station City Sangrur and FIR No.87

dated 24.03.2017 under Section 22 of the NDPS Act. Police Station City Sangrur.

On the strength of aforesaid fact, the petitioner is stated to be a habitual person in selling illicit narcotics. His release on parole has been considered to be against the society and in case he is released on parole then he may be involved in the act of selling narcotics in the area.

Perusal of the impugned order would show that the petitioner has been labelled with the status of habitual person in selling the illegal narcotics. Petitioner has been convicted in the aforesaid FIR No.87 dated 24.03.2017 and it appears that the aforesaid case is the only case under NDPS Act as the second case is under penal offences.

Per contra, learned State counsel states that there is no other NDPS case against the petitioner as per record available with him. In this FIR, he has been convicted and sentenced to undergo rigorous imprisonment for a period of 10 years along with fine. His appeal bearing No. CRA-S No.1500 of 2019 is pending in this Court.

From the aforesaid facts, it appears that the impugned order dated 17.04.2020 passed by respondent No.2 is founded on some wrong information. The same is accordingly set aside. Respondent No.2 shall form his opinion on the basis of factual matrix of the case. Reconsideration be done in accordance with

law within a period of two weeks from the date of receipt of
certified copy of this order.

Disposed of.

September 18, 2020
sangeeta

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No