

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

CRWP-4904-2020

Date of decision:-26.8.2020

Jaspal Singh @ Jassa

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE H.S.MADAAN**

Present: Mr.Abhishek Sethi, Advocate  
for the petitioner.

Mr.Randhir Thind, DAG, Punjab.

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**H.S. MADAAN, J.(ORAL)**

Case taken up through video conferencing.

Petitioner - Jaspal Singh @ Jassa, a convict in FIR No.61 dated 13.6.2015 for an offence under Section 22 of NDPS Act, 1985 registered with Police Station Govindwal Sahib, District Tarn Taran had applied for grant of parole to look after his ailing parents for the reason that there is no able bodied person in the family to do so and for the purpose of cultivating the agricultural land.

The application filed by the petitioner was forwarded by Superintendent, Central Jail, Amritsar to the office of Deputy Commissioner, District Tarn Taran, who further sent it to the office of

Senior Superintendent of Police, Tarn Taran for verification. Senior Superintendent of Police, Tarn Taran – respondent No.3 vide his verification report dated 8.5.2020 sent to Deputy Commissioner, Tarn Taran had not recommended the case of petitioner for his release on parole mentioning the reason that the petitioner had been convicted in a case under NDPS Act and if granted parole, there was probability of his absconding and posing threat to the security of State and the maintenance of public order. Relying upon that report, Deputy Commissioner vide order dated 11.5.2020 had rejected the case of petitioner.

Feeling aggrieved, the petitioner has knocked at the door of this Court by way of filing the instant criminal writ petition seeking quashing of the impugned order rejecting his request for release on parole.

The respondents are opposing the petition and they have filed written reply in the form of affidavit of Deputy Superintendent of Police, Sub-Division, Goindwal Sahib, District Tarn Taran in that regard.

I have heard learned counsel for the parties besides going through the record.

I find that the order passed by Deputy Commissioner, Tarn Taran cannot stand judicial scrutiny. A perusal of the written reply filed on behalf of the respondents with which custody certificate of petitioner is attached as Appendix R2, goes to show that the petitioner is not involved in any other criminal case except in case FIR No.61 of 2015 under Section 22 of NDPS Act in which he was convicted. Therefore, it cannot be said that he is a habitual criminal. Furthermore, a perusal of custody certificate goes to show that the petitioner remained on bail during the trial for a

period of more than 4 years. It has nowhere been stated in the reply that he had misused the concession of bail and indulged in any criminal activity during that period. Even otherwise had it been so, the prosecution would have approached the Court seeking cancellation of the bail granted to the petitioner. The verification report by Senior Superintendent of Police, Tarn Taran also seems to have been sent in a routine manner simply mentioning that there is apprehension of the petitioner absconding and posing threat to State security and maintenance of law and order. The Gram Panchayat of the village is said to have submitted a declaration, copy Annexure P-7 vide it the Gram Panchayat had recommended that petitioner be granted parole stating that release of petitioner on parole would not affect the law and order of the area and Gram Panchayat would be responsible in that regard.

Under the circumstances, the impugned order Annexure P6 dated 11.5.2020 passed by Deputy Commissioner, Tarn Taran is not sustainable and is set aside. He is directed to re-consider the matter in view of the observations made in this order and then pass a fresh order with regard to application for release of petitioner on parole, by due application of mind and giving reasons for arriving at the conclusion. The undertaking given by the Gram Panchayat for good conduct of the petitioner and the fact that he does not have any other criminal case registered against him be also taken into consideration while passing the order. The order be passed within six weeks of receipt of copy of this order.

With these observations, the present criminal writ petition

stands disposed of accordingly.

26.8.2020  
Brij

(H.S.MADAAN)  
JUDGE

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

**Whether reportable : Yes/No**