

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRWP-5225-2020

DATE OF DECISION: 24.09.2020

SHINDER KAUR @ SINDER KAUR

... Petitioner (s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

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

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 21.04.2020 (Annexure P-1) whereby her application for release on parole has been declined.

The petitioner has been convicted in FIR No.129 dated 31.08.2016 under Section 21 of the NDPS Act and sentenced to undergo rigorous imprisonment for a period of 10 years. The appeal preferred by the petitioner thereagainst bearing CRA-S No.3098 of 2018 is pending adjudication before this Court.

Learned counsel for the petitioner contends that the petitioner is a 50 years old lady and had sought her release on parole for repair of her house and to meet her family members. The petitioner has undergone sentence for a period of 3 years and 11 months. She was involved in another case under the NDPS Act wherein the recovery effected was of a non-commercial quantity and she had undergone the sentence of one month for the same in the year 2008. He further contends that the case of the petitioner for parole has been

declined erroneously, merely by recording that she is likely to indulge in similar activities which would endanger the security of the state.

Learned counsel has relied upon the judgment passed by the Coordinate Bench of this Court in the case of **Mukesh Kumar versus The State of Haryana and others**, in CWP No.5628 of 2018, decided on 19.03.2018, wherein the petitioner had been granted parole for two weeks. In that case, the petitioner had been released on parole earlier. He had jumped the parole and had fired shot at the police officials while he was undergoing life imprisonment for an offence punishable under Sections 302, 307, 394, 397 and 34 IPC and Sections 25/54/59 of the Arms Act.

Reply has been filed by the learned State counsel through email wherein it is stated that there are 8 members of the family of the petitioner who are residing in the village and, therefore, they are in a position to carry out the house repair. It is also stated in the reply that the SSP, Sangrur has not recommended the case of the petitioner for her release on parole as she is likely to indulge in smuggling/selling of intoxicant substance and there is danger to the peace of the area and security of the State. It is further stated that the petitioner had earlier been convicted in an FIR No.182 dated 09.11.2008 under Section 15 of the NDPS Act at Police Station Dhuri.

Heard through video conferencing.

The petitioner was convicted under the NDPS Act and sentenced to undergo rigorous imprisonment for a period of 10 years. The petitioner has undergone sentence of a period of over 3 years and 11 months. The appeal preferred against the conviction is pending adjudication before this Court. Besides this case wherein she has been convicted for a period of 10 years, she has been convicted in another case registered in the year 2008 and she had been convicted and sentenced to undergo rigorous imprisonment for a period of 1 month. Merely because the petitioner was convicted in one case in 2008 and there is another case registered in the year 2016 cannot be the basis for inferring that her release on parole would be a danger to the peace of the area and would endanger the security of the State.

The petitioner is a 52 years old lady and her family members are staying in the village. She has already undergone a sentence of 3 years and 11 months. The primary object of the parole is for reformation of the convict and to enable the convict to maintain her contact with the society at large including her family members. It is incomprehensible as to how a 52 years old lady would pose a threat to the society. Insofar as the maintenance of law and order is concerned, it is the duty of the State authorities to do so.

In the case of **Mukesh Kumar versus the State of Haryana (supra)**, the Court had granted parole for two weeks even though the petitioner therein while undergoing life imprisonment consequent to his conviction under Sections 302, 307, 394, 397 and 34 IPC and Sections

25/54/59 of the Arms Act, had earlier jumped parole and had fired shots at police officials.

In view of the aforementioned facts and circumstances, it would be in the interest of justice if the petitioner is granted parole for a period of four weeks.

Consequently, the petition is allowed and the impugned order dated 21.04.2020 (Annexure P-1) is set aside. The petitioner shall be released on parole on 26.09.2020 at 11.00 a.m. for four weeks subject to her furnishing necessary surety bonds to the satisfaction of the competent authority. The petitioner shall also furnish a telephone number to the Jail Superintendent on which she can be contacted, if required. The petitioner shall surrender before the District Jail, Nabha by 05.00 p.m. on 24.10.2020.

(ANUPINDER SINGH GREWAL)
JUDGE

24.09.2020.

SwarnjitS

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