

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

206

CRWP-5579-2020

Date of decision : 21.08.2020.

Amarjit Kaur

... Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 24.04.2020 (Annexure P-1) whereby her application for release on parole has been declined. The parole has been sought for repair of her house and to enable her to meet her family members.

The petitioner is 62 year old lady and has been convicted in FIR No.8 dated 11.01.2018 under Section 22 of the NDPS Act, police Station Sunam, district Sangrur. The allegations against the petitioner are that she was found in possession of 104 grams Alprazolam which is marginally above the commercial quantity. The petitioner was convicted by the trial Court on 10.05.2019 and sentenced to undergo rigorous imprisonment for a period of 10 years.

Learned counsel for the petitioner contends that the petitioner has undergone sentence of almost 02 years out of the sentence of ten years. He also contends that the application for parole has been rejected by respondent

No.2 by a common order wherein it is mentioned that release of these persons would pose threat to the security of the State and there is apprehension of disturbance of peace and harmony. The common order has been passed with regard to 30 applicants.

Reply by way of an affidavit of Deputy Superintendent of Police, Sub Division, Sangrur on behalf of the respondent/State has been filed wherein it is stated that earlier inadvertently it was mentioned in the police report that there are 08 other cases which are pending against the petitioner. However, on verification, it has been found that those 08 case are pending against another woman with the same name, who is also wife of another Bhola Singh. For this lapse on the part of the Head Constable, a show cause notice for initiation of departmental inquiry has been issued. It is further stated that the petitioner is involved in another FIR No.178 dated 06.12.2008, under Sections 15/61/85 of the NDPS Act, Police Station Sadar Sunam, wherein she was convicted on 03.12.2009 and sentenced to undergo imprisonment for one month.

Heard through video conferencing.

It is apparent that the case of the petitioner has been rejected by respondent No.2 without application of mind. A bare reading of the common impugned order dated 24.04.2020 (Annexure P-1) indicates that the case of 30 applicants had been rejected by relying upon the report of the Senior Superintendent of Police, Sangrur, wherein it is stated that in the event of these prisoners being released on parole, they may pose threat to the society and there is apprehension of disruption of peace and harmony. The report had wrongly mentioned that the petitioner is involved in 08 other cases.

Besides this FIR, the petitioner has been convicted in another case wherein she has been sentenced to undergo imprisonment for one month. It is difficult to apprehend as to how the release of 62 year old lady on parole would pose danger to the security of the State or cause law and order problem. The allegations against the petitioner are that she was found in possession of 105 grams Alprazolam which is marginally above the threshold for commercial quantity. The petitioner has undergone sentence of almost two years out of the total sentence of ten years. The object of 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. Insofar as the maintenance of law and order is concerned, it is the bound down duty of the State authorities to do so.

Therefore, 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 24.04.2020 (Annexure P-1) is set aside. The petitioner shall be released on parole on 22.08.2020 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, Sangrur by 05.00 p.m. on 21.09.2020.

(ANUPINDER SINGH GREWAL)
JUDGE

August 21, 2020
sonia gugnani

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No