

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

**CRWP No.7762 of 2020 (O&M)
Date of Decision.02.11.2020
(Heard through VC)**

Jaspal Singh @ Chinnu

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Joginder Pal Ratra, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

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

The petitioner has been convicted in FIR No.85 dated 19.09.2017 under Sections 15 and 29 of the NDPS Act, Police Station Sadar Amhedgarh, District Sangrur as he was allegedly found in possession of 40 kg of poppy husk. The petitioner was convicted by the trial Court on 11.12.2019 and sentenced to undergo rigorous imprisonment for a period of 8 years.

Learned counsel for the petitioner contends that the petitioner has undergone sentence of almost 11 months out of the sentence of 8 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, Ahmedgarh on behalf of the respondent/State has been filed wherein it is stated that the petitioner has already undergone a period of 11 months out of sentence of 8 years. It is further stated that the petitioner has been convicted in another FIR No.115 dated 09.09.2013 under Sections 15, 61 and 85 of NDPS Act registered at Police Station Sadar Ahmedgarh by the trial Court vide judgment dated 18.07.2014. The petitioner is a habitual offender and therefore, his application for parole has rightly been rejected.

Learned counsel for the petitioner herein would contend that the petitioner has already undergone the sentence awarded to him under FIR No.115 dated 09.09.2013 and at present, no other case is pending against him.

I have heard the counsel for the parties and have perused the paper book.

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 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.

Besides this FIR, the petitioner has been convicted in another case wherein he has already undergone the sentence awarded to him and at present, he is not involved in any other criminal case. It would not be justified to hold that his release would pose danger to the security of the State or cause law and order problem. The allegations against the petitioner are that he was found in possession of 40 kg of poppy husk, which is a non-commercial quantity. The object of parole is for reformation of the convict and to enable the convict to maintain his/her contact with the society at large including his/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 04.11.2020 at 11.00 a.m. for four weeks subject to his 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 he can be contacted, if required. The petitioner shall surrender before the District Jail, Sangrur by 05.00 p.m. on 02.12.2020.

(JAISHREE THAKUR)
JUDGE

November 02, 2020
Pankaj*

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