

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

CRWP NO.8999-2020

Date of Decision: 03.11.2020

HARMANDEEP SINGH

....PETITIONER..

Versus

STATE OF PUNJAB AND ORS.

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present : Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Pankaj Gupta, Additional Advocate General, Punjab.

SANT PARKASH , J.

*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court)*

Instant petition has been filed under Article 226 of the Constitution of India read with Section 3(1)(c) and (d) of the Punjab Good Conduct Prisoners (Temporary Release), Act, 1962 (as amended upto-date) for issuance of a writ in the nature of certiorari for quashing impugned order dated 11.03.2020 (P-1) passed by respondent No.3, whereby regular parole of the petitioner has been rejected; and further directing the respondents to release the petitioner for 08 weeks parole enabling him to meet his family members and to complete the construction work of his house.

The petitioner was tried in FIR No.90 dated 07.09.2017, under Section 22 of the NDPS Act, 1985, Police Station Longowal, District Sangrur and accordingly, he has been convicted and sentenced for 12 years imprisonment vide judgment dated 12.09.2019. Against the judgment of

conviction and order of sentence, petitioner filed an appeal before this Court, which is still pending admitted for final adjudication.

Learned counsel for the petitioner submits that the petitioner is behind the bars since 2017 and it is his first application for regular parole. The petitioner applied for regular parole as per the provisions in the Act and his case was sent to the District Magistrate Sangrur, after completing all the formalities. But the parole case of the petitioner has been rejected vide impugned order dated 11.03.2020 (Annexure P-1) whimsically and without there being any material against him. The observations of the District Magistrate, Sangrur are totally erroneous. The petitioner is the first offender and except the present case, he is not involved in any other case under NDPS Act.

On the other hand, learned State counsel strongly opposes the submissions made by learned counsel for the petitioner and prays for dismissal of instant petition, petitioner being habitual of selling the intoxicants and has destroyed the life of number of young people.

After having heard learned counsel for the parties and perusing the paper book, this Court is of the considered opinion that the authority rejecting the parole has exercised its jurisdiction on the basis of the facts collected for considering the request of the petitioner for releasing him on parole. It has been specifically mentioned in the impugned order (Annexure P-1) that the petitioner is habitual of selling intoxicants and has already destroyed the lives of number of people by selling narcotics to them. If such type of convict is enlarged on parole, there is every apprehension that he would indulge himself in the similar activity destroying the very fibre of the youth of the society. Otherwise also, in

the impugned order (P-1), it has been pointed out that release of the present petitioner on parole would result into breach of peace and maintenance of public order. These are the factual aspects and this Court under Article 226/227 of the Constitution of India cannot go into the disputed question of facts.

In view of the above, we do not find any merit in the instant petition and same is accordingly dismissed.

**(JASWANT SINGH)
JUDGE**

**(SANT PARKASH)
JUDGE**

November 03, 2020

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whether speaking/reasoned: Yes/No

whether reportable: Yes/No