

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

CRWP NO.10165-2020

Date of Decision: 14.12.2020

ROHIT KUMAR @ VIKRAL

....PETITIONER..

Versus

STATE OF PUNJAB AND ORS.

....RESPONDENTS

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

Present : Ms. Jasneet Mehra, Advocate for the petitioner.

Mr. IPS Doabia, Additional Advocate General, Punjab.

Mr. Gursimranjit Singh, Advocate,
for respondent No.3.

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 12.11.2020 (P-3) 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 during this COVID-19 situation.

The petitioner was tried in FIR No.139 dated 25.05.2015, under Section 22 of the NDPS Act, 1985, Police Station Sultanwind, District Amritsar and accordingly, he has been convicted and sentenced for 12

years imprisonment vide judgment dated 25.10.2017. 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 2018. The petitioner applied for regular parole as per the provisions in the Act and his case was sent to the District Magistrate Amritsar, after completing all the formalities. But the parole case of the petitioner has been rejected vide order dated 13.05.2020 (Annexure P-1), solely on the ground that there is apprehension of breach of peace and maintenance of public order and further apprehension that the petitioner would flee from the hands of justice. Aggrieved against the aforesaid order, petitioner approached this Court vide CRWP No.7948 of 2020 and this Court vide order dated 16.10.2020 set aside the order (Annexure P-1) and directed respondent No.2 to pass fresh order in accordance with law. In compliance of order dated 16.10.2020, again report from the Commissioner of Police, Amritsar City was called by respondent No.3 but again same report was sent. On the basis of latest report, respondent No.3 again rejected the parole case of the petitioner vide impugned order dated 12.11.2020 (P-3). The observations of the District Magistrate, Amritsar are totally erroneous. The petitioner is neither a habitual offender nor any type of complaint was ever lodged against him.

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 as one more FIR is registered against him.

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-3) that there is danger to the state security and maintenance of public order. If such type of convict is enlarged on parole, there is every apprehension that he would indulge himself in the similar activity and would abscond. Moreover, one more FIR is registered against the petitioner.

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

14.12.2020
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whether speaking/reasoned: Yes/No
whether reportable: Yes/No