

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

**CRWP No. 1216 of 2019
Date of decision: 24.01.2020**

Paramjit Kaur @ Pammi

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for setting aside the order dated 25.07.2019 (Annexure P-1), vide which the prayer of the petitioner for releasing her on eight weeks' parole to look after minor children and for repair of her house which was damaged during floods, was declined by the Deputy Commissioner, Ferozepur.

Learned counsel for the petitioner submits that the case of the petitioner was recommended by the Superintendent, District Jail, Faridkot in accordance with procedure and thereafter, the Deputy Commissioner, Ferozepur rejected the application of the petitioner, on the basis of the report submitted by the Senior Superintendent of Police, Ferozepur, wherein it was reported that in case the petitioner is released on bail, there will be a danger to public peace, law & order and State security as the petitioner might again commit the similar offence.

Learned counsel for the petitioner further submits that the petitioner is not involved in any other case under the NDPS Act and she is

the first offender.

Learned counsel for the petitioner has relied upon a Panchayat Nama dated 02.09.2019, signed by the Sr. Vice President, M.C., Talwandi Bhai and other municipal councilors, vide which it is stated that in case the petitioner released on parole, there is no danger to peace and law & order of the locality.

Learned State counsel, on the basis of the affidavit of Deputy Superintendent, Central Jail, Faridkot, has, however, opposed the prayer of the petitioner on the ground that the petitioner is sentenced to 10 years of rigorous imprisonment in FIR No. 180 dated 10.10.2015, under Section 22 of the NDPS Act, registered at Police Station Ghall Khurd, Ferozepur and since she was declared a proclaimed offender in the proceedings of aforesaid FIR No. 180, another FIR No. 230 dated 11.10.2017, under Section 174-A IPC was also registered against her at Police Station City Ferozepur in which, she has been convicted to undergo rigorous imprisonment for 10 months and to pay a fine of Rs. 100/- with default clause. The factum of applying for grant of parole for six weeks by the petitioner and the recommendation made by the Superintendent of District Jail, Faridkot for the same are not denied in the affidavit.

It is further stated in the said affidavit that since there is an apprehension that the petitioner may again indulge in narcotic trade if she is released on parole, the Senior Superintendent of Police, Ferozepur has submitted a report in this regard.

Learned State counsel has also filed the custody certificate of the petitioner, according to which, the petitioner has undergone actual sentence of 01 year, 11 months and 02 days in FIR No. 180 and she is not

involved in any other case under the NDPS Act.

After hearing learned counsel for the parties, I find merit in the present petition.

The petitioner is a lady having her own family to support including minor children and she has applied for grant of parole as per her entitlement to look after her minor children and for repair of her house which is stated to be damaged during floods. Mere fact that the petitioner was declared a proclaimed offender and later on she surrendered before the trial Court and was ultimately convicted *ipso facto* does not mean that if she is released on parole, there will be a danger to public peace, law & order and State security as while releasing a convict, the Deputy Commissioner/District Magistrate concerned is required to take appropriate security bonds to procure the presence of the convict back in the jail within the time granted by the jail authorities.

Accordingly, the present petition is allowed and the impugned order is set aside.

The Deputy Commissioner, Ferozepur is directed to release the petitioner on parole for an effective period eight weeks, on such terms and conditions as he may deem fit.

24.01.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No