

CRWP-1854-2019

{1}

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRWP-1854-2019

Date of Decision: 03.03.2020

SUKHWINDER SINGH

....Petitioner

VS

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. J.S. Bains, Advocate
for the petitioner.

Mr. A.A. Pathak, Addl. A.G., Punjab,
for respondent-State.

JITENDRA CHAUHAN, J. (ORAL)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India read with Section 3(1)(d) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, for grant of parole for six weeks, on the ground to meet his family members. He also prayed for setting aside the order dated 29.05.2019 passed by respondent No.5-District Magistrate, Amritsar, vide which parole applied by the petitioner for six weeks was declined.

Learned counsel for the petitioner states that he is not involved in any other FIR under Narcotic Drugs and Psychotropic Substances Act, therefore, the apprehension of respondent No.5 that he is likely to repeat the offence, does not have any basis. He further states that the petitioner has never been released on parole till date and is in continuous custody for about last 4 years. He also states that

remark with regard to his conduct has been received from the jail authorities.

On the other hand learned State Counsel opposes the prayer made by the petitioner and states that one kilogram of narcotic powder was recovered from the petitioner and there is likelihood of the petitioner fleeing from parole.

Heard.

The petitioner has applied parole for the first time and no adverse report with regard to his conduct has been received from the jail authorities and particularly in this view of the matter, he is entitled to be released on parole. In the circumstances, this Court is inclined to allow this petition. Ordered accordingly.

The petitioner is ordered to be released on parole for a period of 4 weeks from the date of his release as per Rules on furnishing bonds with two local sureties to the satisfaction of the District Magistrate/Duty Magistrate, concerned. The petitioner shall surrender before the jail authorities after expiry of 4 weeks. The date and time of surrender is to be noticed by the releasing Court.

(JITENDRA CHAUHAN)
JUDGE

(ARCHANA PURI)
JUDGE

03.03.2020

Himanshu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No