

In the High Court of Punjab and Haryana at Chandigarh

**CRM-W-590-2020 IN/AND
CRWP No. 2310 of 2019
Date of Decision: 06.8.2020**

Paramjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Anupam Bhanot, Advocate for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-W-590-2020

Case is being taken up for hearing through video conferencing.

This is an application under Section 482 CPC for preponement of the main case, which has been fixed for 09.9.2020.

Learned counsel for the petitioner prays that the main case may be preponed from 09.9.2020 and taken up for final disposal today itself.

Learned state submits that he has no objection if the hearing of the main case is preponed and the case is taken up for final disposal today itself.

For the reasons mentioned in the application, the same is allowed.

Main case is preponed from 09.9.2020 and is taken up on board for hearing today itself.

CRWP-2310-2019

The present criminal writ petition has been filed under Article

for quashing the order dated 23.7.2019 (Annexure P-1) passed by respondent No.2 whereby application moved by the petitioner seeking temporary release for six weeks under Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, was dismissed.

Learned counsel for the petitioner states that the petitioner has since been convicted and sentenced for a period of 10 years under Section 22 of Narcotics Drugs and Psychotropic Substances Act, 1985 vide impugned judgment and order dated 3.10.2018 passed by Additional Sessions Judge, Tarn Taran and he has already filed CRA-S-4422-SB-2018 challenging his conviction which stands admitted vide order dated 22.11.2018. She further submits that the petitioner has moved an application for grant of parole for six weeks which was dismissed by the District Magistrate, Tarn Taran vide order dated 23.7.2019 (Annexure P-1) on the ground that there is an apprehension of threat to the security of the State and maintenance of public peace. Learned counsel further submits that petitioner is not a habitual offender and wants to look after his old aged ailing mother and, therefore, a prayer has been made for temporary release of the petitioner on parole. She has relied upon the judgments passed by the Division Bench of this Court in ***CRWP No. 799 of 2017 titled Tarsem Singh versus State of Punjab and others decided on 24.10.2017 (Annexure P-2)*** and ***CRWP No. 706 of 2016 titled Jassa Singh alias Jassa versus State of Punjab decided on 31.10.2017 (Annexure P-3)***.

On the other hand, learned State counsel opposes the prayer made in the present petition.

I have heard the learned counsel for the parties.

Reply by way of short affidavit of District Magistrate-cum-

Deputy Commissioner, Tarn Taran dated 24.12.2019 was filed. It would be relevant to reproduce the extract of para 2 of the reply, which reads as under:-

“Thereafter the office of the deponent vide letter No. Reader/D.M./1273 dated 06.06.2019 sent back the matter to the Office of Senior Superintendent of Police, Tarn Taran for re-examining the case of the petitioner with regard to parole. The office of Senior Superintendent of Police, Tarn Taran submitted his report vide letter No. 25252/B/A.C-3 dated 22.7.2019 stating that if the petitioner is released on parole, there may be danger to the security of State and maintenance of public order. He may indulge in narcotic business during parole, hence again had not recommended for grant of parole to the petitioner.”

A similar question came up before a Division Bench of this Court in CRWP No.1090 of 2015. Vide order dated 22.01.2016 passed in the aforesaid writ petition, it was observed that parole cannot be denied and in fact is not liable to be denied on mere generalization by recording that generally it has been seen that prisoners on release on parole engage themselves in smuggling activities causing danger to security of the country and contraband are again recovered from them. This can be ensured by asking the petitioner/convict to execute necessary bonds that while on parole he would maintain good behaviour and will not indulge in any smuggling activities, besides, asking him to furnish heavy surety.

Considering the above circumstances, the present petition is allowed and the impugned order dated 23.7.2019 (Annexure P-1) is set aside. The petitioner is ordered to be released on parole w.e.f. 10.8.2020 to 07.9.2020, to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as per the Jail Manuals for

securing the presence of the petitioner in jail after the period of parole is over.

However, in the interest of justice, taking into consideration the apprehensions of the State also, I deem it appropriate to direct that the petitioner shall furnish an undertaking and surety to the effect that he will not indulge himself in any criminal activities including the one for which he has been convicted and facing sentence and in case of any such eventuality, the permission regarding parole would cease to exist. It will always be open to the State authorities to have constant vigil on the conduct of the petitioner during parole period.

It is further made clear that on expiry of the parole period on 7.9.2020, the petitioner shall surrender on 8.9.2020 at 10.00 A.M. before the authorities concerned.

(HARNARESH SINGH GILL)
JUDGE

August 06, 2020
Gurpreet

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