

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

CRWP-210-2021 (O&M)

Date of decision: 23.03.2021

Lakhwinder Singh @ Lakha

.....Petitioner

Vs.

State of Punjab & others

....Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Bhupinder Ghai, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court assailing order dated 12.11.2020 (Annexure P-3) vide which the prayer of the petitioner for his release on parole for 8 weeks' has been declined. The relevant extract from the impugned order dated 12.11.2020 (Annexure P-3) reads as follows:-

“...Above convict wants to come on 08 weeks parole to meet his family members, but this convict was found in possession of intoxicant powder, the convict can again indulge in NDPS case if released on parole. Therefore, on the basis of current situation and secret report received in this regard there is threat to State's security and maintenance if this convict is released on parole. On the basis of above said report, convict Lakhwinder Singh @ Lakha parole release is not recommended.”

2. The learned counsel for the petitioner has submitted that the aforesaid observations, as recorded in the impugned order dated

12.11.2020, are not substantiated from record and in fact the previous record is to the contrary inasmuch as the petitioner had earlier availed parole on 9 occasions between 01.04.2016 to 01.05.2018 and had always surrendered back in time and had never indulged in any other offence. The learned counsel in this regard has drawn the attention of this Court to a certificate issued by the Deputy Superintendent, District Jail Sri Muktsar Sahib (Annexure P-4). The learned counsel for the petitioner has further drawn the attention of this Court to the report submitted by the SHO, P.S. B-Division, Amritsar to the Police Commissioner, Amritsar City (Annexure P-6), wherein it was specifically stated that there is no apprehension that the petitioner would abscond.

3. On the other hand, the learned State counsel has submitted that since upon enquiries made at the local level, it had been found that the petitioner might indulge in some offence under NDPS Act in case released on parole, rejection of this case for parole is perfectly justified.
4. I have considered the rival submissions addressed before this Court.
5. It will be beneficial to notice the period for which the petitioner had earlier been granted parole, as would be evident from Annexure P-4. The details of such period are reproduced as under:

1. 01.04.2016 to 30.04.2016 : 4 week
2. 10.07.2016 to 07.08.2016 : 3 week
3. 13.10.2016 to 04.11.2016 : 3 week
4. 03.01.2017 to 25.01.2017 : 3 week

5. 30.03.2017 to 21.04.2017 : 3 week
6. 04.07.2017 to 26.07.2017 : 3 week
7. 11.10.2017 to 02.11.2017 : 3 week
8. 11.01.2018 to 02.02.2018 : 3 week
9. 09.04.2018 to 01.05.2018 : 3 week

6. A perusal of para 8 of reply would show that the respondent-State has categorically admitted that the conduct of the petitioner while in jail has been 'satisfactory' and he has not committed any offence during jail term. There is nothing on record to show that the petitioner had ever misused the concession of parole when he was released on parole on earlier 9 occasions. In these circumstances, the observation of the learned District Magistrate, Amritsar, as recorded in the impugned order dated 12.11.2020, is found to be beyond record and is not justified. Consequently, the impugned order dated 12.11.2020 is hereby set aside. The petitioner would be at liberty to approach respondent No.3 – the Jail Superintendent, District Jail, Faridkot, Punjab, afresh for grant of parole taking any such ground as may be available to him at present. In case, any such application is filed, the same shall be processed by the respondents and shall be decided expeditiously preferably within a period of 30 days from filing of such application.
7. The petition stands disposed of accordingly.

23.03.2021
VY/Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No