

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

CRWP NO.831-2021

Date of Decision: 25.02.2021

BHUPINDER @ BHINDA

....PETITIONER..

Versus

STATE OF PUNJAB AND ORS.

....RESPONDENTS

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

Present : Mr. Sahil Puri, Advocate,  
for the petitioner.

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**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 for grant of 08 weeks parole to the petitioner under Sections 3 & 4 of the Punjab Good Conduct Prisoner Temporary Release Act, to enable him to meet his family members, children and other relatives and also to attend his household responsibilities including repair work of the roof of his house.

The petitioner was tried in FIR No.58 dated 25.03.2018, under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Maqsudan, District Jalandhar and accordingly, he has been convicted and sentenced for 14 years imprisonment vide judgment dated 27.11.2019. 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 applied for parole for 08 weeks on the same ground, but his request has been rejected by respondent No.3-Deputy Commissioner, Taran Taran, Punjab vide order dated 29.06.2020 (Annexure P-1) on the basis of report of respondent No.4-Senior Superintendent of Police, Tarn Taran that there is apprehension of being fugitive and there is danger to the State security maintenance of public law and order. The observations of the Deputy Commissioner, Taran Taran are totally erroneous.

After having heard learned counsel for the petitioner 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 order dated 29.06.2020 (Annexure P-1) that there is apprehension of being fugitive and there is danger to the State security as well as maintenance of public law and 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, the ground taken in the petition i.e. to meet with his family members, children and other relatives as well as to attend his household responsibilities including, repair work of the roof of his house does not appeal to logic at all and cannot be said to be justifiable ground for granting the concession of parole.

Otherwise also, it is the subjective satisfaction of the authority concerned to evaluate the circumstances seeking parole. Unless and until some arbitrariness or malafide is apparent in the order of the said authority,

only then, this Court should intervene under Article 226 of the Constitution of India.

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**

25.02.2021  
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**whether speaking/reasoned: Yes/No**  
**whether reportable: Yes/No**