

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210(PROCEEDINGS THROUGH V.C.)

CRWP-1230-2021

Date of decision: 01.11.2021

KULDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of order dated 18.03.2020 (Annexure P-2) passed by the Deputy Commissioner, Tarn Taran, District Tarn Taran-respondent No. 3, whereby the prayer of the petitioner for grant of eight weeks' parole had been rejected.

Counsel for the petitioner contends that apart from the case, in which the petitioner had been involved and convicted, there is no other case against him. He further contends that although the recovery, which has been effected from the petitioner, is of 4400 Kg of poppy husk but the ground, on which it has been rejected by the respondents, is that the

petitioner, if released on parole, he may indulge in selling the intoxicant substances. Counsel contends that there is no material placed on record which would indicate that the petitioner is, apart from this aspect of the case where he has been convicted, involved in any other matter. He asserts that the said conclusion is based upon mere conjectures and surmises. It has come on record in the report of the Senior Superintendent of Police, Tarn Taran that there is no possibility of the prisoner absconding while on parole and also there is no danger to State Security and Public Order. Although the apprehension with regard to indulging in selling the intoxicant substances has been so mentioned, which, the counsel contends, cannot be a ground for denying the petitioner the benefit, as has been prayed for.

Counsel for the State, on the other hand, contends that although the aspect with regard to the report of the Senior Superintendent of Police, Tarn Taran cannot be denied but the said apprehension is based upon the recovery, which has been effected from the petitioner. He asserts that the conclusion, which has been drawn by the authorities, cannot be said to be misplaced. He, however, could not dispute the fact that there is no other case against the petitioner which would indicate that he had been indulging in selling the intoxicant substances earlier also.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the case of the petitioner has been rejected merely on the ground of apprehension, we do not accept the said plea especially when it is an admitted position that the petitioner is not likely to abscond rather it has been said that there is no possibility of his absconding while on parole and also there is no danger to the State Security and Public Order. We do not find any justification for coming to the

conclusion with regard to the petitioner indulging in selling the intoxicant substances as no material has been placed on record to substantiate the said contention and conclusion. The impugned order dated 18.03.2020 (Annexure P-2) passed by the Deputy Commissioner, Tarn Taran, District Tarn Taran-respondent No. 3 is, hereby, set aside and the petitioner is held entitled to be released on parole for a period of two weeks.

Petition stands disposed of accordingly.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

**(SANDEEP MOUDGIL)
JUDGE**

November 01, 2021
pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No