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

CRWP-5317-2021

Date of decision : 20.07.2021

Pargat Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. H.S. Batth, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. A.G. Punjab.
(Through Video Conferencing)

AJAY TEWARI, J. (ORAL)

Reply on behalf of the State has been filed. The same is taken on record.

This petition has been filed by the petitioner for grant of emergency parole for 6 weeks to repair the house.

It is admitted that the petitioner was granted parole on earlier occasion when he surrendered back on time and was not involved in any criminal activity. This time, application for parole was rejected on the ground that the applicant-petitioner was a Truck Driver and may abscond and can establish links with the smuggler of 'A' category. The petitioner had earlier filed CRWP-1401-2021 which was decided vide order dated 08.03.2021. The same is reproduced as follows:-

“This petition has been filed for grant of parole, which was declined on the ground that the petitioner was also involved in another case regarding recovery of 20 kgs of poppy husk (admittedly a small quantity). In the present case also, the recovery is 95 grams of intoxicant powder. Further, it is not

denied that the petitioner was earlier also granted parole.

In these circumstances, to now deny him parole on the ground that he may indulge in trafficking is sound far fetched. The orders dated 13.12.2019 (Annexure p-2) and 10.4.2020 (Annexure P-3) are set aside.

Respondent No.4 is directed to pass a fresh order in accordance with law within a period of three weeks from the certified copy of this order.

The petition stands disposed of.”

Now, the impugned order has been passed again taking same grounds. We find that even now, same reasons have been cited. It is rather disturbing to note that once a particular set of reasons have been specifically rejected by Court, the SSP Tarn Taran has mentioned same reasons again.

In the circumstances, even while granting 6 weeks' parole to the petitioner, we deem it appropriate to issue notice to respondent No.4 to file personal affidavit as to why identically same reasons were stated when first set of reasons had been rejected by this Court.

In view of the above, the present Criminal Writ Petition stands allowed.

Let affidavit be filed within two weeks.

List on 10.08.2021.

(AJAY TEWARI)
JUDGE

(VIKAS BAHL)
JUDGE

20.07.2021

Pawan

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No