

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

CRWP-6109-2021

Date of Decision: 08.07.2021

SURJIT LAL @ SODHI

....PETITIONER..

Versus

STATE OF PUNJAB AND ORS.

....RESPONDENTS

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

Present : Mr. Anirudh Singh Shera, Advocate,
for the petitioner.

Mr. IPS Doabia, Additional Advocate General, Punjab.

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 setting aside the impugned order dated 24.02.2021 (Annexure P-6), vide which, case of the petitioner seeking parole has been rejected and further to release the petitioner on parole for 08 weeks.

The petitioner was tried in FIR No.02 dated 18.01.2015, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 177 IPC, Police Station Mukandpur, District SBS Nagar Sadar Faridkot, for having found in conscious possession of 260 grams heroin

(Diacetylmorphine) and accordingly, he had been convicted and sentenced to undergo rigorous imprisonment for 10 years vide judgment dated 29.11.2016. 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 08 weeks parole as per the provisions in the Act and his case was sent to the District Magistrate Ludhiana, after completing all the formalities. But the parole case of the petitioner has been rejected vide order dated 24.02.2021 (Annexure P-6), on the ground that there is danger to peace, law and order and there is every apprehension that he may abscond and indulge the youth of village in drugs activities.

On the other hand, learned State counsel strongly opposes the submissions made by learned counsel for the petitioner and prays for dismissal of instant petition.

After having heard learned counsel for the parties 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 impugned order (Annexure P-6) that there is danger to peace, law and order. If such type of convict is enlarged on parole, there is every apprehension that he would indulge himself and the youth of the village in the similar activity and would abscond. Moreover, it has been specifically mentioned in the impugned order (Annexure P-6) that 11 more cases were registered

against the petitioner and he also fled away from the lockup after breaking the iron rod gate of court as well as during the hearing of cases many times. The ground taken in the petition i.e. to meet with his family members does not appeal to logic at all and cannot be said to be justifiable ground for granting the concession of parole to the accused, who is habitual offender. In fact, the petitioner had already availed the benefit of parole for 5 times.

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

08.07.2021
sonika

whether speaking/reasoned: Yes/No

whether reportable: Yes/No