

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

CRWP NO.6806-2021

Date of Decision: 27.07.2021

BHUPINDER SINGH @ BHINDA

....PETITIONER..

Versus

STATE OF PUNJAB AND ORS.

....RESPONDENTS

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

Present : Mr. Barjesh Kumar Sharma, Advocate for the petitioner.

Mr. IPS Doabia, Addl.A.G., 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 issuance of directions to respondents No.2 and 3 to release the petitioner temporarily on parole for 08 weeks under Section 3(1) (d) of the Punjab Good Conduct Prisoners Temporary Release Act, 1962.

The petitioner was tried in FIR No.90 dated 07.09.2017, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Longowal, District Sangrur and accordingly, he has been convicted and sentenced to undergo rigorous imprisonment for a period of 12 years. 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 earlier the

petitioner moved an application before Superintendent District Jail,

Barnala for seeking parole as per the provisions in the Act for his treatment as he is suffering from Hepatitis C and also suffering from stone problem as well as to take care of his family, and accordingly, his case was sent to the District Magistrate, Sangrur, after completing all the formalities. But the parole case of the petitioner has been rejected vide order dated 12.05.2021 (Annexure P-1), on the ground that after granting parole to the petitioner, there is a chance that he can again indulge in the supply of drugs and he might have relations with the smugglers.

On the other hand, learned State counsel strongly opposes the submissions made by learned counsel for the petitioner on the ground that the petitioner is addicted to selling illicit drugs, which has ruined the lives of many youngsters and at the same time the law-and-order situation may deteriorate, in case, he is released on parole. He, thus, 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-1) that 1100 of narcotic injections brand Buprenorphine were recovered from the possession of petitioner and his co-accused. The recovery of such a large quantity of drugs proves that the petitioner is engaged in drug trafficking. There is strong apprehension that the petitioner also have links with drug smugglers. If such type of convict is enlarged on parole, there is every apprehension that he may commit any crime relating to the supply of drugs, which may endanger the lives,

property and security of other persons. Moreover, the ground taken in the petition that he is suffering from Hepatitis C as well as suffering from stone problem does not appeal to logic at all and cannot be said to be justifiable ground for granting the concession of parole since, for these type of ailments, proper and appropriate health care medical facilities are available in the jail for inmates.

With regard to extending the benefit of parole to the co-accused, namely, Lovepreet Singh @ Lavi, it would be suffice to say that the case of each and every accused/convict is to be considered in the given facts and circumstances and the act and conduct of individual concerned. No parity can be claimed by the petitioner with the co-accused, namely, Lovepreet @ Lavi, as his case was on different footing.

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

27.07.2021
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whether speaking/reasoned: Yes/No

whether reportable: Yes/No