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

CRWP-6745-2021

Date of decision:09.12.2021

JIWAN SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. D.N. Ganeriwala, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

(Through Video Conferencing)

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner in respect of a charge, drawn under Section 22/61/85 of the NDPS Act arising from FIR No.62 dated 02.05.2018 registered at P.S. Barnala, became convicted by the learned trial Court, also, consequent therewith sentence of imprisonment hence extended upto a period of 10 years, became imposed upon him. The petitioner-convict has lodged an appeal before this Court against the verdict of conviction, and, consequent therewith sentence supra, as became imposed upon him, by the learned trial Court concerned. Some time is likely to be consumed in a decision being made upon the appeal preferred by the petitioner, before this Court. However, the counsel for the petitioner submits, that he has not preferred any application under Section 389 Cr.P.C., before this Court seeking therethrough the relief of suspending, the execution of the aforemade term of imprisonment, upon him.

2. Contrarily, the petitioner applied to the authority concerned, for parole hence extending to a term of 8 weeks, being granted to him, as he is to visit his native place, to take care of his aged parents. However, through the impugned order, carried in Annexure P-1, the afore relief became declined to

the petitioner.

3. The declining of relief to the petitioner is rested upon the factum of the duration of the sentence, (supra), becoming imposed, upon him, by the Convicting Court, and, also that there being every possibility of his absconding from justice or his re-indulging in smuggling of narcotic substances. If so, the aforemade conclusions are completely surmised, as, they are not rested upon any tangible evidence comprised, in the convict holding tainted antecedental history nor also there is any echoings carried, in the impugned order that the petitioner has neither sufficient properties to furnish personal bonds nor has any rootings in society. Therefore, the surmised grounds (supra) cannot become succoured, upon any sound logical pedestal, nor hence it can be said that in the event of parole, being granted to him, he would abuse the facility of parole. Moreover, there is also no adverse report qua the petitioner, by the Superintendent of the Jail concerned, that during the period of his judicial incarceration, he mis-conducted himself.

3. Therefore, the impugned order is quashed, and, the relief claimed in the petition is allowed. The petitioner is ordered to be released on parole from the jail concerned, for a period of 8 weeks, however, subject to his forthwith furnishing personal and surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the learned District Magistrate concerned, with an undertaking therein that immediately, on expiry of 8 weeks, he shall make his surrender before the learned trial Court concerned, and, the latter, thereafter shall make an order of his being re-put to judicial incarceration.

4. Disposed of.

09.12.2021

Ithlesh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No