

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

CRWP No.7498 of 2021 (O&M)

Date of Decision : 13.10.2021

Manjit Singh @ Laddu

.....Petitioner

Versus

State of Punjab and others

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Ms. Satwant Mehta, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM-W-1270-2021

For the reasons mentioned in the application, the Applicant/
Petitioner is permitted to place on record the Panchayatnama as Annexure
P-6.

Application stands disposed off.

CRWP No.7498 of 2021

In this Writ Petition, the Petitioner has assailed the impugned
order passed by the Deputy Commissioner, Tarn Taran on 23.02.2021 vide
which the Petitioner's prayer for release on parole for repair of his house has
been declined.

2. The Petitioner was convicted and sentenced by the Judge,
Special Court, Tarn Taran to undergo rigorous imprisonment for a period of

12 years and to pay a fine of Rs.1 Lac under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 in case FIR No.64 dated 13.06.2012 registered at Police Station Chohla Sahib. Criminal Appeal bearing CRA-D-783-DB of 2017 preferred by the Petitioner has been dismissed by the Division Bench of this Court by order dated 11.04.2019

3. Reply by way of affidavit of Superintendent Jail, Ferozepur has been sent up through E-mail on behalf of Respondents No.1 and 2, today; Be kept on record. It has been made out therein that rejection of the parole case of the Petitioner is on “valid grounds and reasons”. It has however not been noted in the Reply that as to what were the specific reasons for refusing his application for parole in the impugned order. However, it was noted by the Deputy Commissioner, Tarn Taran that, *“the Panchayat of village had neither taken the responsibility for granting him parole nor is anybody giving affidavit. The convict while on parole can be a cause of threat to state security, maintenance of public order and peace. Therefore, it is not recommended that Convit number 361 Manjit Singh alias Laddu son of Gajjan Singh Resident of Village Lohar Police Station Choha Sahib District Tarn Taran be allowed to be released on parole for 8 weeks”*.

4. Today the Petitioner has placed on record a Panchayatnama signed by the Sarpanch and other Members of Village Lohar dated 28.09.2021 (Annexure P-6), in which it has been specifically mentioned that there is nobody except the Petitioner to get his house repaired as his father is very old and there are small children in the house. It has also been

mentioned therein that if the Petitioner comes on parole there is no threat to peace and law and order and that, *“we take its responsibility. We all members of the Gram Panchayat/Nagar Panchayat Lohar highly recommend that he would be released on parole for 8 weeks”*.

5. It is further seen from the record (Annexure P-5) that a similar prayer on the same grounds for parole was earlier rejected by the Respondents/Authorities after which this Court in CWP No.19340 of 2019 had set aside the concerned order rejecting his prayer for release on parole and had permitted him to be so released for six weeks. There is nothing on record to indicate that after being so released the Petitioner violated any of the conditions imposed upon him for parole.

6. In the totality of circumstances, therefore, this Court finds no tangible reason to decline the prayer of the Petitioner on the abstract supposition that his release on parole could lead to apprehension of threat to the security of the State and maintaining public law and order, since it has also been noted in Para No.4 of the Reply on merits filed on behalf of the Respondent/State, today that no complaint was made out against the Petitioner during his period of confinement in Jail and he has undergone more than 5 years, 11 months and 14 days of actual sentence.

7. Consequently, the present Petition is allowed and the impugned order dated 23.02.2021 (Annexure P-2) is hereby set aside. The Petitioner is ordered to be released on parole for 06 weeks from the date of his release to the satisfaction of the District Magistrate concerned, who is further

directed to impose such conditions as may be required in the Jail Manuals towards the ends of securing the presence of the Petitioner in Jail after the period of the parole is over, and the temporarily release is not misused.

October 13, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No