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

CRWP No. 1099 of 2021
Date of Decision: 10.09.2021

Guramritpal Singh

-Petitioner

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Bains, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has prayed for grant of parole for a requisite period for meeting his family members as well as to take care of them by way of undertaking repairs of the house.

Petitioner was convicted and sentenced to undergo rigorous imprisonment for 10 years with fine of Rs.1 lac.

CRA-S No.3675-SB of 2019 is pending in the High Court.

Petitioner filed an application for grant of parole of six weeks for the aforesaid purpose.

The case of the petitioner was initiated by respondent No.3 and was sent to respondent No.4 for comments. The cumulative effect of comments and recommendations of respondents No.3 and 4 has resulted in rejection of parole on the premise that the petitioner if released on parole may abscond or may involve in some other case as well.

Learned counsel for the petitioner submits that track record of the petitioner is clean. There is no antecedent behaviour of criminal activity vis-a-vis his involvement in any other NDPS case. Petitioner is neither a proclaimed offender nor has absented in any manner.

Parole has been declined solely on conjectures and presumptions.

Learned counsel for the petitioner has not availed any parole in the past and the present petition is the first instance, where the petitioner has prayed for grant of parole.

Having heard learned counsel for the parties, I find that the reasons recorded in the impugned order are only on the basis of presumptions and conjectures and the same are not legally sustainable.

In view of above, impugned order dated 05.05.2020 passed by Deputy Commissioner, Tarn Taran is set aside.

Competent authority is directed to take corrective step for the relief prayed by the petitioner.

Disposed of.

September 10, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No