

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

CRWP-8593-2020 (O&M)
Date of Decision:-25.2.2021

Hardev Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. Vishan Khatri, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Prayer in the present petition filed under Article 226,
Constitution of India is for temporary release of the petitioner for 8 weeks
for treatment of his mother and to socialize with family members, under
Section 3(1)(a) & (d) of the Punjab Good Conduct Prisoner's (Temporary
Release) Act, 1962.

The petition is contested by the respondent-State.

Reply by way of affidavit of Sh. Lalit Kumar Kohli, PPS, Superintendent, Central Jail, Faridkot on behalf of respondents No.1, 2 and 6 was filed.

Reply by way of affidavit of Mr. Vipin Kumar, PPS, Deputy Superintendent of Police, Sub-Division Ajnala, Amritsar (Rural) Ajnala on behalf of respondent No.4 was filed.

The counsel for the petitioner at the outset argued that the request of the petitioner for grant of parole was wrongly declined by respondent No.3 vide order dated 11.5.2020 on the basis of the inquiry report submitted by SSP, Amritsar (Rural).

The counsel for the petitioner *inter alia* contended that the mother of the petitioner aged about 83 years is suffering from chronic kidney disease and her health is unstable. There is no one in the family to look after her. The petitioner, who is behind bars for the last more than 9 years wants to take care of his old mother. He also intends to meet members of his family and friends. So, prayer is made for temporary release of the petitioner for 8 weeks. The counsel for the petitioner while seeking release of petitioner on parity, referred to order dated 18.2.2021 passed by the Co-ordinate Bench of this Court whereby co-convict Bhinder Singh @ Palvinder Singh @ Chuhi was granted 8 weeks parole for treatment of his mother.

On the other hand, the State counsel submitted that the petitioner was convicted and sentenced to 20 years of rigorous imprisonment under Sections 23(c), 27-A and 29 of NDPS Act in a case pertaining to recovery of 74.554 Kgs. of Heroin. It is further contended that the children of the petitioner are major and they are looking after the other members of the family including his mother. Furthermore his two brothers could also look after the old mother. The State counsel further contended that respondent No.3-District Magistrate, Amritsar while rejecting the prayer of the petitioner for parole, observed that if released, the convict, may be a threat to State security and maintenance of public order.

We have considered the submissions made by counsel for the parties.

The mother of the petitioner may be old but there are other members in the family of the petitioner, who could look after her.

The present case is relating to cross-border drug trafficking. Even one Constable namely Gurcharan Singh of Border Security Force (BSF), who was posted at Indo-Pak. border was also convicted in this case. In these circumstances, the District Magistrate rejected the parole application of the petitioner on the basis of report submitted by Senior Superintendent of Police, Amritsar (Rural), in which the following was observed:-

“..... On coming out on parole release of convict may threat to State security and maintenance of public order.”

In the light of the aforestated position, we are not inclined to interfere. Consequently, this writ petition is dismissed.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

25.2.2021
Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No