

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

CRWP No. 10000 of 2020

DATE OF DECISION :- February 19, 2021

Jaspal Singh @ Jassa

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Abhishek Sethi, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

The case has been taken up through Video Conferencing.

Petitioner Jaspal Singh @ Jassa son of Santokh Singh, aged about 27/28 years, resident of Village Waring Suba Singh, Police station Govindwal Sahib, District Tarn Taran, a convict in F.I.R. No. 61 dated 13.6.2015 under Sections 22/61/85 of the NDPS Act registered with Police Station Govindwal Sahib, District Tarn Taran undergoing sentence in Central Jail, Amritsar had applied for grant of parole for a period of 8 weeks to look after his ailing parents and on account of threat pose to the lives of jail inmates due to outbreak of Covid-19. His such request was, however, declined by Deputy Commissioner, Tarn Taran relying upon the report sent by Senior Superintendent of Police, Tarn Taran to the effect that since petitioner had been convicted in a case under NDPS and if granted parole, there was probability of his absconding and threat to the security of jail and

maintenance of public order.

The petitioner had challenged that order before this Court by way of filing CRWP No. 4904 of 2020 which was disposed of finding that impugned order passed by Deputy Commissioner, Tarn Taran dated 11.5.2020 was not sustainable. He was directed to reconsider the matter in view of the observations made in the order and then pass fresh order with regard to application for release of petitioner on parole by due application of mind and giving reasons for arriving at the conclusion. Though Deputy Commissioner, Tarn Taran has passed fresh order again rejecting the request of the petitioner but on perusal of that order goes to show that this order has again been passed in a mechanical manner without properly considering the factual and legal position.

Learned counsel for the petitioner has referred to a judgment of this Court 'Raj Singh versus State of Haryana and another 1989(1)R.C.R. (Criminal) 684', wherein it was observed that when request of convict for parole was rejected on the ground that if there was an apprehension of public peace but no material or data was there to support the said fact the convict was ordered to be released on parole. Learned counsel for the petitioner has further contended that similarly placed convicts have been granted concession of parole.

After hearing learned counsel for the petitioner and learned State counsel besides going through the record, I find that petitioner deserves to be granted concession of parole though to address apprehensions by the local police, he can be asked to furnish sound surety to ensure that he does not indulge in any illegal activity and does not abscond.

Therefore, the petition is allowed and petitioner is ordered to be

released on parole for a period of 04 weeks subject to his furnishing requisite bonds and on conditions to the satisfaction of District Magistrate, Tarn Taran. The period of parole shall start running from the date when the bonds are furnished and accepted.

(H.S. MADAAN)
JUDGE

February 19, 2021
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No