

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

**Criminal Writ Petition No.10050 of 2020 (O&M)
Date of Decision: October 06, 2021**

Surinder Singh @ Soni

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Ms.B.P.K.Brar, Advocate for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

This petition has been filed praying for release of the petitioner on 08 weeks parole.

It is stated that the case of the petitioner was recommended by the respondent No.4 – Jail Superintendent, District Jail, Sangrur. Then, respondent No.3 - District Magistrate, Sangrur sent the case of the petitioner to the Senior Superintendent of Police for police verification. The Senior Superintendent of Police vide his communication dated 17.04.2020 did not recommend the parole case of the petitioner. It was stated that two other cases are registered against him and he is habitual of selling illegal drugs and fighting. It was also reported that State security may be threatened if he is released on parole.

It is the case of the petitioner that he has not even been supplied

a copy of the rejection of his application for parole.

The petitioner is undergoing rigorous imprisonment for 10 years in case FIR No.18 dated 04.03.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act No.61 of 1985, Police Station Sadar Ahmedgarh, District Sangrur after his conviction by the learned Additional Sessions Judge, Sangrur. The petitioner has filed Criminal Appeal bearing No.CRA-S-3431-2019, which is pending before this Court.

Heard.

The mere apprehension as expressed by respondent No.3 in his Police Verification report, cannot be valid and sustainable ground for rejection of parole. The copy of the order rejecting the request of the petitioner, has not been placed on record.

Temporary Release Acts envisage temporary release of convicts. Mere fact that a person is convicted for an offence does not mean that he will abscond or will again involve in prohibited activities if he is released on parole. As held by a Division Bench of this Court in **Baljit Singh Vs. State of Punjab** 2017(2) Law Herald 1796 if the State has any apprehension that the convict will jump parole it can always impose adequate conditions including asking for heavy surety.

As regards the ground that there would be danger to security of State and maintenance of public order if the petitioner is released, all that needs to be said is that no material in support thereof has been brought on record by the respondents. It has been held by a Division Bench of this Court in **Jassa Singh Vs. State of Punjab** 2016(1) Law Herald 587 that for reaching the satisfaction of danger to the security of the State or

maintenance of public order there has to be material before the competent authority for arriving at that conclusion. Parole cannot be denied on mere generalization. Thus, this ground is also not made out.

Accordingly, this petition is disposed of with a direction to the respondents to re-consider the case of the petitioner for grant of parole afresh in view of above observations and pass necessary orders within a period of three weeks from the date of receipt of a certified copy of this Order.

October 06, 2021

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No