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

CRWP-11250-2021

Date of decision : 30.11.2021

Bhupinder Singh @ Rupinder Singh @ Bunty

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Sukhbeer Hundal, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is third Criminal Writ Petition filed under Article 226 of the Constitution of India read with the Punjab Good Conduct Prisoners Temporary Release Act, 1962 for issuance of a writ in the nature of certiorari for quashing of letter dated 01.06.2021 (Annexure P-1).

Learned counsel for the petitioner has submitted that the recommendation made by respondent No.3-Commissioner of Police, Ludhiana, to respondent No.2-District Magistrate, Ludhiana, in the case of the petitioner seeking release on parole, is absolutely illegal and against law and is in violation of law laid down by the Coordinate Bench of this Court in case titled **Neeraj Masih Vs. State of Punjab and others, CRWP-7096-2020, decided on 15.10.2020**. It has been argued that in the impugned

recommendation, it has been submitted that the petitioner is involved in a case of commercial quantity in FIR No.85 dated 15.09.2017 registered under Section 15 of the NDPS Act at Police Station Sadar Sangrur and is undergoing imprisonment of 10 years and there is likelihood that he will do the business of drugs in case he is temporarily released.

Learned counsel for the petitioner has submitted that the said recommendation is based on surmises and conjectures and there is no material on the basis of which it can be concluded that the petitioner will do the said business of drugs in case he is temporarily released.

Learned counsel for the petitioner has, however, submitted that since no final decision has been taken by respondent No.2-District Magistrate, Ludhiana on the said recommendation, thus, the petitioner would be satisfied in case respondent No.2 is directed to take the final decision with respect to the application of the petitioner for temporary release on parole in FIR No.85 dated 15.09.2017 registered under Section 15 of the NDPS Act at Police Station Sadar Sangrur, in accordance with law and after taking into consideration the judgment passed by the Coordinate Bench of this Court in Neeraj Masih's case (Supra).

Notice of motion.

On advance notice, Mr. Sukhbeer Hundal, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has submitted that in case, no final decision has been taken on the application moved by the petitioner, the same would be taken as expeditiously as possible, in accordance with law.

Keeping in view the abovesaid facts and circumstances, the present Criminal Writ Petition is disposed of with direction to respondent No.2-District Magistrate, Ludhiana to take the final decision with respect to the application of the petitioner for temporary release on parole in FIR No.85 dated 15.09.2017 registered under Section 15 of the NDPS Act at Police Station Sadar Sangrur, regarding which the recommendation has been made vide letter dated 01.06.2021, within a period of 15 days from the date of receipt of certified copy of the present order and after taking into consideration the judgment passed by the Coordinate Bench of this Court in Neeraj Masih's case (Supra).

It is, however, clarified that in case, the said decision has already been taken, then the present Criminal Writ Petition would be rendered infructuous with liberty to the petitioner to file fresh petition challenging the same.

30.11.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**