

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

CRWP Nos. 181, 152, 162 and 3055 of 2022

Date of decision: 26.07.2022

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Ram Krishan

....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. R.S. Sekhon, Advocate,
for the petitioners.

Mr. APS Gill, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

The present order shall dispose of four criminal writ petitions i.e. CRWP Nos. 181, 152, 162 and 3055 of 2022. Reference is being made to ***CRWP No. 181 of 2022, Ram Krishan vs. State of Punjab and others.***

The petitioners, who are residents of district Mandsaur (M.P.), are now confined in Central Jail, Faridkot, seek quashing of the orders dated 03.11.2021, 29.10.2021, 29.10.2021 and 21.02.2022 (Annexures P-1 in all the petitions), whereby their prayer for release on parole has been impliedly rejected by the District Magistrate, Mandsaur by recommending that the petitioners not be released on parole.

It is not disputed that the conviction is of 14 years under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') in FIR No. 15 dated 11.01.2014 as handed out by the Court of Special Judge, Ferozepur on 07/09.02.2018.

In sum and substance, the concerned District Magistrate has

blindly relied upon the report of the Superintendent of Police of the concerned district and held that there is no positive recommendation for sanction of parole and, therefore, the benefit has been denied. The said respondent has been served but no replies have been filed.

A perusal of the custody certificate of Ram Krishan would go on to show that he had undergone 4 years, 2 months and 3 days of actual sentence as per the custody certificate (Annexure R-1) attached with the reply filed on 04.05.2022 at that point of time. He had also availed parole of 9 months and 10 days. Similar is the situation in the case of Nana Lal @ Nana Ram, who had undergone 4 years, 7 months and 15 days of actual sentence and had availed parole of 5 months and 7 days. Parkash Chand's custody certificate would go on to show that the total custody period is of 4 years and 10 days and he had availed parole of 1 year and 12 days whereas, in the case of Shankar Lal, the undergone period is of 4 years, 5 months and 14 days and he has also availed parole of 8 months and 8 days.

It is, thus, apparent that the petitioners herein have availed the benefit of parole and have surrendered back in time. Nothing has been reported as such as to whether they have indulged in similar type of activities thereafter at the time when they were released on parole or there is any threat perception to anyone on account of their release. It is also to be noticed that one of the petitioners namely Nana Lal @ Nana Ram had earlier approached this Court as he had not been granted the benefit of parole to meet his family members and challenge was made to the order dated 12.07.2019 (Annexure P-2) whereby, his parole had been rejected without any basis. CRWP No. 1253 of 2019 was accordingly allowed on 25.09.2020 quashing the order of the District Magistrate, Mandsaur at

that point of time. Reliance was placed upon the judgment of the Division Bench in *Jassa Singh @ Jassa vs. State of Punjab, 2016 (5) RCR (Crl.) 522; CWP No. 19340 of 2019, Manjit Singh @ Laddu vs. State of Punjab and others decided on 02.09.2019* to give the benefit of parole. Apart from that, judgments in *Bansi Lal vs. State of Punjab and others, 2016 (4) RCR (Crl.) 1017, Ram Chander vs. State of Punjab and others, 2017 (3) RCR (Crl.) 340* and *CWP No. 2261 of 2018, Simrandeep Singh vs. State of Punjab decided on 17.04.2018* had also been relied upon that declining temporary release on parole on mere likelihood is not justifiable. The whole purpose as such for grant of parole is to ensure that the convict is able to interact with his family during his period of conviction.

Keeping in view the principles envisaged in law, we are of the considered opinion that the orders dated 03.11.2021, 29.10.2021, 29.10.2021 and 21.02.2022 (Annexures P-1 in all the petitions) passed by the District Magistrate, Mandsaur are not justifiable and are accordingly quashed. The petitioners shall be released on parole for a period of 6 weeks, on furnishing the requisite bail bonds to the satisfaction of competent authority and shall surrender back in time in jail premises on the expiry of the said period after release.

The petitions accordingly stand allowed.

(G.S. SANDHAWALIA)
JUDGE

26.07.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No