

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

207

CRWP-2186-2022

Date of decision : 07.04.2022

Harpartap Singh

Petitioner

V/S

State of Punjab and others

Respondents

**CORAM : HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Rajpreet Singh Brar, Advocate and
Ms. Bhupinder Pal Kaur Brar, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. AG, Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J.

The petitioner has filed the present petition under Article 226 of the Constitution of India for quashing of order dated 22.02.2022 (Annexure P-1) passed by respondent No.3-District Magistrate, Amritsar, whereby the request of the petitioner for grant of parole has been rejected.

Briefly stated, the present petition has been filed on the grounds that the petitioner was convicted by learned Additional Sessions Judge, Fazilka in case FIR No.98 dated 04.07.2015 registered under Sections 21/22/24/25/27/28/29/30 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Jalalabad, District Fazilka and sentenced to undergo rigorous imprisonment for a period of 20 years and to pay fine of ₹8 Lakhs. The petitioner has filed criminal appeal CRA-D-1013-2019 which is lying pending in this

Court. The petitioner approached the respondent No.3 for emergency parole to meet his family and for the supervision of his house. The request of the petitioner was dismissed by respondent No.3 vide impugned order dated 22.02.2022. Aggrieved against the said order the petitioner has filed the present petition.

Learned Counsel for the petitioner has contended that the petitioner is in jail for the last about 06 years. The petitioner is not involved in any other case. In view of Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the petitioner is entitled to temporary release on parole to meet his family members and to settle household affairs.

On the other hand, learned State counsel has opposed the petition by way of reply filed in the Court today which is taken on record. Learned counsel for the State submits that the petitioner was working with BSF. He was indulged in the business of heroin, in connivance with the smugglers at India-Pakistan Border. The village of the convict is situated at a distance of 4 kms. from the Border and if parole is granted to the petitioner, there is likelihood that he may again indulge in the smuggling of heroin, there is also danger to the State security and maintenance of public order.

We have heard learned counsel for the parties.

The main reason given by the State is that the release of the petitioner on parole could be dangerous to the State security and maintenance of public order. This apprehension in itself cannot be made a ground to reject the parole of the petitioner.

Moreover, Section 3(1)(d) of the Punjab Good Conduct

Prisoners (Temporary Release) Act, 1962 permits temporary release of a prisoner on parole for any other sufficient cause.

In view of the above, the present petition is allowed. The impugned order dated 22.02.2022 passed by the District Magistrate, Amritsar is set aside. The respondents are directed to release the petitioner-Harpartap Singh s/o Shingara Singh on parole subject to imposing reasonable restrictions, if any.

However, it is clarified that if the petitioner is indulged in any offence during the period of his parole, his parole in the present case shall also be liable to be cancelled on application to be filed in this regard.

(RITU BAHRI)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

07.04.2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No