

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

CRWP-6574-2022

Punjab Singh

... Petitioner

Versus

State of Punjab and others

... Applicant/Respondent

CRWP-7623-2022

Daljit Singh

... Petitioner

Versus

State of Punjab and others

... Applicant/Respondent

Decided on : 12.09.2022

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE JAGMOHAN BANSAL**

Present: Mr. Nandan Jindal, Advocate for the petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

G.S. Sandhawal, J. (Oral)

The present order shall dispose off two criminal writ petitions, where challenge has been made to the order dated 08.06.2022 (Annexure P-1) passed by respondent No.3-District Magistrate, Amritsar rejecting the case of the petitioners for grant of regular parole.

It is pertinent to mention that petitioners are in custody in a common FIR No.97 dated 14.07.2019 and have been sentenced under Section 18 of NDPS Act for a period of 12 years by the Special Judge, Amritsar vide decision dated 16.12.2021. Though separate orders have been passed in both the cases by the District Magistrate in reference to the request which were received for parole, but they are cyclostyled in manner to the extent that the ground for rejection as such is common. The same is to the effect that the convict after coming on parole will again indulge in the business of selling the narcotics and the details given in the

Panchayatnama regarding the parole case were not found to be correct.

Resultantly, the common ground which always prevails with the State functionaries is that there is apprehension of State security and maintenance of public order. Therefore, the parole cases have been rejected, in view of the adverse report also received from the police authorities.

Custody Certificates filed alongwith the replies have also been perused, which would go on to show that Daljit Singh has undergone 3 years, 1 month and 19 days of actual sentence and has no other case against him. Punjab Singh on the other hand has undergone 3 years, 1 month and 25 days and has another case of NDPS, which was lodged prior in point of time on 05.03.2019, whereas the FIR in the present case is of 14.07.2019. It is not disputed that the trial is still going on in the said case and he is not convicted yet. Counsel has submitted that it is a case of non-commercial quantity.

The reasoning given in the impugned orders is running foul of the directions passed by this Court in various cases. Reference can be made to the order passed in **CRM-M-34013-2009** titled as '**Varun @ Gullu Vs. State of Haryana and others**' decided on 26.04.2010, **Arun Kumar Vs. State of U.T. Chandigarh and others**, 2011 (2) AICLR 361 and **Ram Chander Vs. State of Punjab and others**, 2017 (3) RCR (CrI.) 340. The said view had been followed in **CRWP No.3196 of 2020** '**Mahammad Shehbaz Vs. State of Punjab and others**' decided on 05.07.2022, wherein it had been noticed that the petitioner had been in custody for over 4 years and had not been able to come out to meet his family even once, which fact is also confirmed from the custody

certificates of the petitioners and therefore, the rejection orders are not justified in any manner.

Thus, we are of the considered opinion that the orders passed by the District Magistrate can be termed to be suffering from the vices, which have been noticed on various accounts, who has failed to take into account that parole is a beneficial piece of legislation. Accordingly, we allow the present petitions and quash the impugned orders passed by the District Magistrate dated 08.06.2022 (Annexure P-1). The petitioners shall be released on parole for a period of six weeks on furnishing of requisite bail bonds/surety bonds to the satisfaction of the competent authorities. They shall surrender back to the jail authority, after the expiry of the parole period.

Petitions stand allowed, accordingly.

(G.S. SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

12.09.2022
Naveen

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