

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

**Criminal Writ Petition No. 8074 of 2021
Date of Decision: 12.05.2022**

Baljinder Singh @ Billu

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

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

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, after conclusion of trial, upon, FIR No. 88 of 22.05.2014, registered at Police Station C Division Amritsar, District Amritsar, constituting therein offences under Sections 22/61/85 of the NDPS Act, became convicted, and, in consequence, thereof, a substantive sentence of imprisonment, hence extending upto ten years, became imposed upon him. An appeal against the above made verdict, and, the consequent therewith sentence (supra), has been reared by the convict – petitioner, before this Court, but it is yet subjudice.

2. It is stated at the Bar, by the learned counsel for the petitioner, that since the execution of the above term of the substantive imprisonment, as, became imposed, upon, the petitioner, did not come to be suspended, by this Court, rather during the pendency of the appeal concerned, before this Court. Therefore, the petitioner preferred an application, before the competent authority, for his being released on parole.

3. The above made application was cast on the ground, that the petitioner is required to be meeting his family members, and, to take care of

them, and, that parole extending upto period of six weeks be granted to him. Upon the apposite application, a dis-affirmative order of 01.07.2020, comprised in Annexure P-1, was passed. The afore Annexure P-1 has been challenged, before this Court.

4. In the afore impugned order (Annexure P-1), there is no recital that within the ambit of the relevant policy, the petitioner did not become entitled to his being granted parole for the above asked for period.

5. Contrarily, a perusal of the order, challenged before this Court, reveals that merely for no responsible member of the locality, recording a statement in support of the petitioner's claim for parole, and, further there being disruption of law, and, order, and threat to security, in case the asked for parole is granted to the petitioner, rather leading to the rejection of the espoused relief.

6. However, the afore mentioned reasons carried in the impugned order, cannot yet disqualify the petitioner from claiming the espoused claim, as, both the grounds (supra), are not supported by any tangible evidence, adduced before the authority concerned. For want of support to the afore meted reasons, as, made in the impugned order, through tangible evidence, obviously make them to be merely imaginative and surmisal. Therefore, the rejection of the claim of the petitioner, for his being released on parole, for six weeks, for his taking care of his family members, is not, founded upon any valid criterion and, or, not upon any valid reasons.

7. In view of the above, the present petition is allowed. The impugned order of 01.07.2020 (Annexure P-1), as, made by the District Magistrate, Amritsar, is quashed, and, set aside. The District Magistrate

concerned, is directed to, forthwith, release the petitioner from prison(s) for enabling him to only upto six weeks from the date of his release, taking care of his family members, however, subject to his furnishing personal and surety bonds in the sum of Rs. 1 lakh each, to the satisfaction of the District Magistrate concerned, and, further subject to his furnishing an undertaking before the District Magistrate concerned, that in case he omits to, after lapse of six weeks, surrender / enter into the prison concerned, thereupon, the Superintendent of Police of the district concerned, may cause his arrest for ensuring his re-stepping into the prison.

May 12, 2022
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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>