

CRWP-6844-2022 (O&M)

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

**CRWP-6844-2022 (O&M)
Date of decision : 13.09.2022**

GURMAIL SINGH

..... PETITIONER

VS

STATE OF PUNJAB AND ORS.

..... RESPONDENTS

**CORAM : HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ALOK JAIN**

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

Mr.Jasdev Singh Mehndiratta, Addl. Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (Oral)

CRM-W-878-2022

This is an application for grant of leave under Rule 3(i) 6 Part-B Vol.5 of Punjab and Haryana High Court Rules and orders seeking exemption from filing the present petition without being on roll of Advocates.

Keeping in view the circumstances mentioned in the application, the same is allowed and exemption from filing the present petition without being on roll of Advocates is granted.

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This writ petition has been filed by the petitioner impugning order dated 11.07.2022, Annexure P-1 vide which eight weeks' parole as sought by the petitioner for meeting his family members stands declined on the ground that he may restart selling of narcotics and therefore, there is danger to the State security and maintenance of public order.

Upon notice having been issued, reply by way of an affidavit of the Superintendent Central Jail Patiala dated 09/12.09.2022 has been filed in Court wherein the factum that the petitioner was initially granted emergency parole by this Court and released from 29.10.2021 to 20.11.2021, which was extended by one more week to 27.11.2021 had been availed by him and he surrendered back in prison on the date fixed. There is nothing which has been mentioned that during this period there has been any aberration on the part of the petitioner or he having indulged in any criminal case/activity. The ground for rejection of the parole has been reiterated in the reply which has been filed.

We have considered the submissions made by learned counsel for the parties and on going through the pleadings we do not find any justifiable ground for accepting the stand of the respondent while rejecting the application for parole of the petitioner. The conduct of the petitioner during the period for which he remained on emergency parole for a period of four weeks, has been found to be satisfactory and he had surrendered well in time.

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The stand, therefore of the respondent stands belied with the conduct of the petitioner.

In the light of the above, we reject the reason which has been assigned for denial of parole to the petitioner and set aside the impugned order dated 11.07.2022, Annexure P-1.

Petitioner is held entitled to the grant of parole of eight weeks, which shall be granted to him provided he fulfills the requisite formalities for availing the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

13.09.2022
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Whether speaking/reasoned Yes/No

Whether Reportable Yes/No