

CRWP-7456-2022 (O&M)

SUMIT SETHI

VS

STATE OF PUNJAB AND OTHERS.

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. J.S. Mehndiratta, Addl. A.G., Punjab.

Challenge in this writ petition is to the order dated 13.07.2022 (Annexure P-2) passed by the Deputy Commissioner, Jalandhar vide which prayer for grant of parole to the petitioner has been rejected on the ground that the petitioner is likely to indulge in illicit drug trafficking for which he was arrested and may abscond.

Upon no

tice having been issued, reply has been filed by the State wherein the stand taken is the same one which is taken in the impugned order referred to above. It is not being disputed that there is no other case against the applicant-appellant and there is no other information which has been placed on record which would indicate that the petitioner is likely to indulge in drug trafficking and may abscond. Merely because he has been convicted in a particular case under the NDPS Act could not be a ground for denying him parole as this would be taken as a plea in each and every case on the objection of the claim of the petitioner for grant of parole. Nothing has come on record which would substantiate the decision made by the Deputy Commissioner, Jalandhar which could be said to be based upon some factual information.

In the light of the above, we do not find the impugned order dated 13.07.2022 (Annexure P-2) to be based upon any justifiable reasons for

rejection of the case of applicant-appellant for grant of parole. There is no other case against the applicant-appellant except for the present one. The impugned order dated 13.07.2022 is hereby set aside. Petitioner is granted parole for a period of 06 weeks. He shall be released on parole for six weeks on completion of the formalities as required under law.

(AUGUSTINE GEORGE MASIH)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

14.11.2022
Hemant