

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRWP-7507-2022

Date of decision:10.11.2022

HARMANDEEP SINGH

.....PETITIONER

Versus

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

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

Mr. J.S.Mehndiratta, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this writ petition is for grant of parole to the petitioner
for a period of eight weeks to meet his family.

Prayer made by the petitioner for grant of parole has been
rejected by the District Magistrate, Sangrur-respondent No. 3 vide order
dated 18.05.2022 (Annexure P-1) by asserting that since the petitioner had
been found to be convicted for a period of 12 years under the Narcotic
Drugs and Psychotropic Substances Act, 1985, where 1100 intoxicant
injections of Buprenorphine have been recovered from the petitioner,
possession of such quantity of narcotics would have an effect that he would
have contacts with the similarly placed persons who indulge in smuggling
and selling of drugs. This would lead to the society being adversely
affected as the life and property of the people would be at stake, who
indulge in the consumption of these intoxicant drugs.

Reply to the writ petition has been filed upon notice having been issued by way of an affidavit of the Deputy Superintendent of Police, Sub-Division Sunam, District Sangrur, wherein the said aspect has been reiterated. There is nothing mentioned with regard to there being a specific information with relation to the petitioner having some connection with the persons who are indulging in smuggling of the narcotic drugs.

Counsel for the State has also not been able to point out any such information in this regard. The impugned order is based upon mere assumptions and presumptions, which cannot be made the basis for denying statutory right to a prisoner for grant of parole to meet his family.

Counsel for the petitioner has also placed reliance upon the order dated 12.09.2022 passed by a Co-ordinate Bench in CRWP-6574-2022 titled as Punjab Singh vs. State of Punjab and others, where similar issue has been dealt with and it has been held that the impugned order passed by the District Magistrate is not sustainable.

In the light of the above, we accept the contentions of the counsel for the petitioner and set aside the order dated 18.05.2022 (Annexure P-1) passed by the District Magistrate, Sangrur declining parole to the petitioner.

The present petition is allowed. The petitioner is directed to be released on parole for a period of six weeks on completion of the formalities, as required.

(AUGUSTINE GEORGE MASIH)
JUDGE

10.11.2022
PJ

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No