

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

CRWP-9830-2020
Date of Decision:-10.1.2022

GURJIT SINGH ALIAS BARU

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The petitioner has filed the present criminal writ petition for
grant of parole to him under Sections 3 & 4 of the Punjab Good Conduct
Prisoner's (Temporary Release) Act, 1963 to meet his family.

On notice reply was filed on behalf of the State by way of
affidavit of Mr. Rajdeep Singh Brar, Superintendent District Jail Barnala, as
per which the case of the petitioner regarding release on parole was

considered and declined by Deputy Commissioner, Barnala vide order dated 9.4.2020.

The counsel for the petitioner contended that the prayer for grant of parole was wrongly rejected by Deputy Commissioner Barnala on the basis of conjectures and surmises, by presupposing that if released on parole, the petitioner might commit similar offence or involve himself in some illegal activity. The counsel for the petitioner further contended that Gram Panchayat of the village gave assurance regarding the good conduct of the petitioner vide Annexure P-1. But the same was ignored by Deputy Commissioner Barnala while passing the impugned order which is totally illegal and deserves to be set aside.

The State counsel while supporting the rejection order dated 9.4.2020 passed by Deputy Commissioner, Barnala contended that the petitioner is facing another two cases under NDPS Act and thus there was every likelihood of his involving in similar activities in case he was released on parole.

I have considered the submissions made by the counsel for the parties.

The petitioner is having statutory right to avail parole. The concession of parole could not be declined to the petitioner just on the ground that there is apprehension that if released, the petitioner will indulge in illegal activities or drug trafficking as he is already facing criminal cases under NDPS Act. The said apprehension was not based on any material or document except for the fact that the petitioner was already facing trial in two such like cases. The assurance Annexure P-1 given by the Gram

Panchayat of the village of the petitioner has been brushed aside by the District Authorities without assigning any reason. It is a settled principle of law that every executive decision has to be well-reasoned. The same cannot be based on conjectures and surmises.

In view of the above the order dated 9.4.2020 passed by Deputy Commissioner Barnala is bad in law and is liable to be quashed and is accordingly hereby set aside.

A direction is hereby issued to the District Magistrate concerned to reconsider the prayer of the petitioner for grant of parole and pass appropriate speaking order afresh within a period of 1 month of the receipt of the copy of this order and the decision taken thereof be conveyed to the petitioner.

Disposed of accordingly.

(KARAMJIT SINGH)
JUDGE

10.1.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No