

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

CRWP-10418-2021 (O&M)

Date of decision: 24.03.2022

Sukhwinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rehat Bir Singh Mann, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

By way of the present petition, the petitioner seeks parole for a period of eight weeks to meet and take care of his family members. Challenge is also to the order dated 04.04.2020 passed by the Deputy Commissioner, Tarn Taran, rejecting an application of the petitioner seeking parole.

Learned counsel for the petitioner submits that the petitioner stands convicted and sentenced for 10 years, in case bearing FIR No. 200 dated 13.10.2011, registered under Section 21 of the NDPS Act, at Police Station Patti, District Tarn Taran. It is further submitted that CRA-1082-SB-2019 filed by the petitioner is pending adjudication before this Court.

Learned counsel would further submit that the request of the petitioner seeking parole, has been declined by the Deputy Commissioner, Tarn Taran on the ground that by coming out on parole, the petitioner could likely abscond; that there is a danger to peace of the village; that the

petitioner is having one killa 2 kanal of land and that there is no source of income and as such he may start selling narcotics.

Learned counsel for the petitioner further submits that as per the status report, the petitioner has never been released on parole, previously; that the petitioner is not involved in any other case and that the petitioner has already undergone the actual sentence of more than 03 years and that the prayer for release on parole is only with a view to look after and take care of the family members.

In support of his case, learned counsel for the petitioner relies upon the judgments of Coordinate Benches in CRWP No.4219 of 2020 titled as 'Rohit @ Kalia Vs. State of Haryana and others' decided on 26.08.2020, and CRWP-869-2021 titled as 'Mahinder Singh @ Minta Vs. State of Punjab and others' dated 08.07.2021.

Learned State counsel, while opposing the prayer of the petitioner submits that the order dated 04.04.2020 passed by the Deputy Commissioner, Tarn Tara, specifically records the reasons for rejecting the request of the petitioner and that the said reasons were recorded on the basis of the report submitted by the Senior Superintendent of Police, Tarn Taran. It is, thus, submitted that it could not be said that the application filed by the petitioner has been wrongly rejected by the Deputy Commissioner, Tarn Taran.

I have heard the learned counsel for the parties.

It is settled principle that administrative order has to be reasonable and the authorities are to take into consideration all the relevant facts by excluding the irrelevant ones. The decision should neither be perverse nor irrational, improper or contradictory, to which no person

properly advised on the facts would arrive at.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on four weeks' parole from the date of his release, subject to his furnishing bail bonds/surety bonds to the satisfaction of the concerned District Magistrate/Duty Magistrate/Illaqa Magistrate, concerned.

The petitioner shall surrender before the Jail Authorities, on expiry of parole period.

(HARNARESH SINGH GILL)
JUDGE

24.03.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No