

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

**CRWP-11715-2021(O&M)
Date of Decision:07.04.2022**

Hargobind Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Ms.Ishma Randhawa, Advocate for the petitioner.

Mr.H.S.Sullar, DAG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

Instant petition has been filed assailing the order dated 24.08.2021 (Annexure P-2) passed by the District Magistrate, Amritsar declining the prayer of the petitioner for parole.

Notice had been issued in the writ petition and even a response has been filed on behalf of the State of Punjab.

The admitted factual premise is that the petitioner having faced trial in FIR No.42 dated 15.08.2013 at Police Station Taragarh, District Pathankot, under Sections 21, 25 and 29 of the NDPS Act stands convicted. He is currently confined in Central Jail at Patiala. The appeal preferred by the petitioner against the judgment of conviction is pending final adjudication before this Court.

The prayer for parole has been declined by the District

Magistrate, Amritsar and the relevant reasoning afforded in the impugned order is in the following terms:-

“ This prisoner was sentenced because there was recovery of heroin in heavy quantity and there are 13 other registered cases are pending on the above said accused in different Districts and police stations. On releasing the above-said prisoner on parole there can be danger to the state security and maintenance of public order. This prisoner was sentenced because of recovery of heroin in heavy quantity and during the leave he can sell drugs in coordination with drug smugglers and can abscond.”

Having heard counsel for the parties at length we are of the considered view that the impugned order has been passed in a mechanical fashion and without due application of mind. It has been averred that in case the petitioner is released on parole there would be danger to 'State security'.

We are unable to fathom such expression of ' State security' and how the same would come under threat if the petitioner was to be released on parole. Even otherwise there has to be some tangible material before the competent authority so as to formulate a view that release of the petitioner would be a threat and danger to the maintenance of public order. No such material is discernible upon reading of the impugned order.

In view of the above the impugned order dated 24.08.2021 (Annexure P-2) is set aside.

Matter is remanded back to the competent authority to have a

re-look on the prayer of the petitioner for grant of parole and to pass an order afresh within a period of two weeks from today.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

(PANKAJ JAIN)
JUDGE

07.04.2022
sunita

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No