

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

**CRM-W-1503-2022 in/and
CRWP-9910-2022
Date of Decision: 14.11.2022**

Malkit Singh @ Pappu

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Jagjit Singh, Advocate,
for the applicant-petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

CRM-W-1503-2022

Application has been filed for pre-ponement of the main case from 29.11.2022 on account of the fact that there is a marriage function in the family on 23.11.2022.

Keeping in view the said fact, the application is allowed. Main case is pre-poned from 29.11.2022 to today and hearing is taken up for hearing.

CRWP-9910-2022

Challenge in the present petition is to the order dated 08.06.2022 (Annexure P-3) passed by respondent No.2 whereby the request for grant of 8 weeks' parole to the petitioner has been rejected on the ground that there was an adverse report from the Senior Superintendent of Police, Moga and that the conviction is of 12 years on account of recovery of 900 kgs of poppy husk. Therefore, on account of apprehension that there would be threat of breach of peace and he would indulge in sale of narcotic activity, the benefit

has been denied.

The petition has been opposed by filing reply which would go on to show that the conviction was on 29.10.2021 by the Special Judge, Kapurthala. As per the photocopy of custody certificate dated 07.10.2022 which has been filed by the counsel today, his actual undergone period is 3 years, 2 months and 15 days on the said date and he had also remained on regular bail during trial from 01.09.2014 till 09.12.2016.

The reasons given for the denial of parole, in our considered opinion, are against the settled principle, which have been laid down respectively by this Court that the Deputy Commissioner has failed to consider. The order has been passed in the usual stereo typed manner on the strength of the adverse report. It is for the State to ensure that there is maintenance of public order and even otherwise, the conviction is not of that nature of offence whereby any public order issue is concerned. In case the petitioner again indulges in the business of selling intoxicants, it is for the State to ensure that he is apprehended and necessary consequences would follow.

In such circumstances, the reasons given by the Deputy Commissioner are held not to be justified. Thus, the order 08.06.2022 (Annexure P-3) passed by respondent No.2 is quashed. The petitioner be released on bail for a period of 6 weeks subject to furnishing of bail bonds to the satisfaction of the competent authority.

The petition stands allowed in the above terms.

(G.S. SANDHAWALIA)
JUDGE

14.11.2022
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(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No