

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

CRWP-97-2022

Date of Decision:24.11.2022

Parmod Kumar @ Bittu

...Petitioner

VS.

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Bhupinder Pal Kaur Brar, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The present criminal writ petition has been filed under Article 226 of the Constitution for setting aside the order dated 08.09.2021 (Annexure P-1) passed by respondent No.3-District Magistrate, Haridwar, vide which request for releasing the petitioner on parole was declined.

Learned counsel for the petitioner submits that vide judgment of conviction and order of sentence dated 04.06.2011 passed by learned Special Judge, Court, Mohali (SAS Nagar), in case bearing FIR No.51 dated 06.04.2020, under Sections 15 NDPS Act, Police Station Lalru, the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of ten years. Being dissatisfied with the said judgment, the petitioner preferred an appeal, bearing No.CRA-S-2557-SB-2011, before this Court and the same is pending adjudication. She further contends that the petitioner applied for parole, enabling him to look after his family; that SSP, District Haridwar, did not recommend the parole to the petitioner and that respondent No.3-District Magistrate, Haridwar, had declined the parole to the petitioner,

vide impugned order dated 08.09.2021, only on the ground that there were chances of him absconding as he had not returned back to the jail after expiry of parole granted to him on 29.12.2014. The petitioner could not surrender before the jail authorities well in time due to some unavoidable reasons.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that at one stage, the petitioner was released from Central Jail, Patiala, for six weeks' parole on 29.12.2014 and was to surrender on 10.02.2015, but he had not surrendered before the jail authorities and remained absconded for a period of about two years; that the petitioner was arrested in FIR No.24 of 2017, under Section 25 of the Arms Act, Police Kotwali, Roorkee, on 19.01.2017. Besides FIR No.51 dated 06.04.2020, seven other cases, including the offences under Sections 302, 392, 379 IPC, 15 NDPS Act have been registered or pending against the petitioner, out of which he has been convicted in three cases.

I have heard the learned counsel for the parties.

Indisputably, the petitioner was convicted for the commission of offence punishable under Section 15 NDPS Act. Aggrieved thereagainst the petitioner preferred an appeal before this Court, which is pending adjudication. Earlier, the petitioner was granted parole on 29.12.2014 and was to surrender on 10.02.2015. However, the petitioner did not surrender before the jail authority well in time and was ultimately arrested on 19.01.2017 in connection with FIR No.24/2017, under Section 25 Arms Act, Police Station Kotwali Roorkee (UP). The petitioner has as many as seven other cases registered or pending against him. It appears that the petitioner is

a habitual offender. Moreover, the petitioner did not surrender before the concerned jail authority after expiry of the parole granted to him.

The conduct of the petitioner is not above board. Therefore, finding no merit in the present petition, the same is dismissed.

(HARNARESH SINGH GILL)
JUDGE

Dated 24.11.2022
poonam

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No