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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : May 24, 2023

VARUN PURI @ RAJA

-Petitioner

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.S. Momi, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J.(ORAL)

1. The present petitioner was convicted and became sentenced by the learned Judge Special Court, Gurdaspur. The above conviction and the consequent thereto sentence, as imposed upon the present petitioner was in respect of charge(s) framed against him, for offences punishable under Sections 15(b) & 21(c) of the NDPS Act. The petitioner has chosen to challenge the verdict of conviction and the order of sentence, through his rearing thereagainst CRA-D-819-2022 before this Court.

2. However, during the pendency of the criminal appeal, before this Court, the petitioner claimed relief for his being released on parole lasting upto a duration of eight weeks, rather to enable him to look after his father, who underwent a heart surgery last year, and, also to enable him to get performed mesh repair surgery of his father, but on the said motion, declining orders, as become enclosed in Annexure P-3, and, in Annexure P-4, were passed. The said declining orders have been challenged through his

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instituting the instant petition before this Court.

3. For the reasons to be assigned hereinafter, the declining orders, as made, are ill informed besides are not founded upon any credible material and as such, are required to be quashed and set aside.

4. The primary reason is founded upon the fact, that they become rested upon the factum, that a heavy recovery of contraband became effected from the petitioner, and, also that there are chances of the present petitioner, on his availing parole rather re-indulging in criminal activities. Moreover, there is a further reason therein, that there is a possibility of the petitioner on his becoming released on parole, to cause breach of the law and order situation in the locality concerned.

5. The above made reasons as above stated are per se ill founded, as they are not supported by any credible material, rather obviously become founded upon mere apprehensions. Resultantly, as above stated, the impugned orders are not only cryptic, but also suffers from the vice of the grossest non application of mind, and, deserve to be quashed and set aside.

6. Conspicuously also when there is no adverse report by the Superintendent of the Jail concerned, that during the period of the petitioner being incarcerated in jail, his indulging in commission of any jail offence.

Final order by this Court.

7. Therefore, the petition is allowed and the petitioner is ordered to be released on parole for eight weeks, but subject to his furnishing personal and surety bonds in a sum of Rs. One Lakh each, but to the satisfaction of the Competent Authority, and, with an undertaking therein that immediately on expiry of the afore period, he shall re-step into the prison concerned.

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8. If the above condition is breached and the petitioner does not re-step into the prison concerned, immediately on the expiry of eight weeks, thereupon, liberty is reserved to the jurisdictional SHO concerned, to forthwith arrest the petitioner and to thereafter produce the petitioner before the jurisdictional Magistrate concerned, for the latter making an order for the petitioner becoming committed to the jail concerned.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

May 24, 2023
devinder

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