

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-7380-2023

Date of Decision: August 09, 2023

Harjit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJ MOHAN SINGH.
HON'BLE MR.JUSTICE HARPREET SINGH BRAR.**

Present: Mr. SPS Tinna, Advocate
for the petitioner

Mr. Iqbal Singh Mann, DAG Punjab

Raj Mohan Singh, J. (Oral)

The petitioner has preferred this petition for the issuance of a writ in the nature of certiorari for quashing the order dated 16.09.2020 passed by respondent No. 4. The petitioner also seeks issuance of writ in the nature of mandamus directing the respondents to release the petitioner on parole under Section 3(1)(d) of the Punjab Good Conduct Prisoner's (Temporary Release) Act, 1962 as amended from time to time.

The case of the petitioner was declined vide the impugned order on the ground that on release of the petitioner, he may again indulge in smuggling of Narcotics. The order has been passed on the feedback given by respondent No. 5 that in case the petitioner is allowed parole for the first time to meet his family members, then there is every possibility of the petitioner having come in contact with some anti-social element and may indulge in smuggling of narcotics during his release on parole. The ground on which the parole has been rejected is purely an apprehension of the competent authority without any feedback of any type. Mere

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apprehension is no ground to discard the grant of parole for which the petitioner is otherwise entitled to.

Learned counsel for the petitioner has relied upon ***Gurwinder Singh vs. State of Punjab and others (CRWP No. 1621 of 2014)*** and ***Ram Chander vs. State of Punjab and others, 2017(3) RCR(Criminal) 340*** to support his contention.

The reply filed on behalf of the State does not advance any such ground on which prayer of the petitioner can be dismissed.

In view of the aforesaid factual position, the petition is allowed. Order dated 16.09.2020 passed by respondent No. 4 is set aside. Respondent No. 4 is directed to do the needful in the context of releasing of the petitioner on parole. The petitioner is directed to be released on regular parole for a period of four weeks from the date of his release subject to his furnishing adequate surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. He is also directed to surrender before the jail authorities on expiry of period of four weeks.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

August 09, 2023

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