

CRWP-9243-2022

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

(230)

CRWP-9243-2022

DATE OF DECISION:- 23.11.2023

JOTA RAM @ JYOTI

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. R.S.Sekhon, Advocate
for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab
for the respondents.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner has approached this Court under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing order dated 13.07.2021, Annexure P-1, and for directing the respondents to release him on parole for a period of eight weeks.

2. Counsel submits that the petitioner has been convicted in FIR No.143 dated 12.10.2016 lodged for offence under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) registered at Police Station Guru Harsahai, District Ferozepur for a period of ten years and has undergone a custody of more than 4 ½ years. Petitioner’s appeal bearing CRA-S-3004-SB-2018 challenging the judgment of conviction and order of sentence is pending before this Court and there is little likelihood of its being heard in the

near future. Counsel submits that the petitioner had moved an application for parole to meet his family members, which has been rejected by the official respondents on an unfounded apprehension of likelihood of breach of law and order. Counsel submits that another observation has been made that the petitioner is likely to get involved in other criminal cases, without, there being any material to come to this conclusion. He has placed reliance upon the judgments of this Court in *Jeet Singh Versus State of Punjab and others 2020 (3) R.C.R. (Criminal) 516*, which has been followed in *Amritpal Singh @ Amba Versus State of Punjab 2021 (3) R.C.R. (Criminal) 144*.

3. Upon notice, official respondents have filed a response, wherein it has been stated that the petitioner is involved in nineteen other criminal cases and has also faced convictions. It has been further submitted that his case was rejected on the basis of the report dated 12.12.2022, Annexure R/T, received from the Deputy Commissioner, Ferozepur.

4. I have considered the submissions made by counsel for the parties and examined the documents placed on the record.

5. A perusal of the material on the record shows that petitioner has been convicted in six cases, out of which three cases are under the NDPS Act. He is facing trial in another two cases, although he has earned some acquittal. Petitioner belongs to Ferozepur and all the cases have been registered against him in Ferozepur, which adjoins the international border. An exponentially large number of cases of smuggling of drugs are being reported in the border districts. The apprehension, therefore, expressed by the authorities that the petitioner is likely to indulge in the

trade of intoxicants is not without any basis as the petitioner is probably likely to revive his links once he is temporarily released. Furthermore, even the conduct of the prisoner, while he has been in detention, is not good and he is facing trial for an offence under Section 42 of the Prisons Act, 1894, though the details of the offence against him are not on the record. The judgments relied upon by the counsel for the petitioner are not applicable to the facts of the present case and are clearly distinguishable.

6. In view of the above discussion, this Court is of the view that the petition is berefit of merit and the prayer made deserves to be rejected.

7. Petition is dismissed.

23.11.2023
Kamal

(SUVIR SEHGAL)
JUDGE

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