

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

**CRWP No.656 of 2023 (O&M)
Date of decision : February 22, 2023**

Mangal Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARINDER SINGH SIDHU, J.

Mangal Singh-petitioner, who is undergoing rigorous imprisonment of 14 years in case FIR No.179 dated 17.12.2014 under Section 22 of NDPS Act, Police Station Kot Ise Khan, District Moga, has filed the instant petition praying for his release on parole for the purpose of meeting his family members and for settling the lease agreements with the persons who cultivate his land.

Vide order dated 21.07.2022, the District Magistrate, Amritsar on inquiry from Senior Superintendent of Police, Amritsar (Rural) has rejected the request of petitioner while observing as follows:

“... Above said convict had already got 42 days parole vide

order dated 24.2.2021 passed by Hon'ble Punjab and Haryana High Court, Chandigarh and after completion of parole period, he returned back to jail on 8.4.2021. Now, the convict has again applied for parole for his family works. On coming on parole by convict, there is apprehension of threat to security and maintenance of public order. Therefore, keeping in view the above said circumstances, it is not recommended to release the convict Mangal on parole.

Keeping in view the enquiry report of Senior Superintendent of Police, Amritsar (Rural), case of convict Mangal Singh son of Sucha Singh for release on parole of 8 weeks is hereby rejected.”

Learned counsel for the petitioner has contended that the parole has been rejected on the ground that the petitioner after completion of his earlier parole had returned back to jail on 08.04.2021 and then applied for parole second time. The other ground is that there is apprehension of threat to security and maintenance of public order. He argued that merely because the petitioner had earlier availed of parole is no ground to deny parole to him. He also contended that there is no material in the impugned order or any other report which would justify the apprehension of threat to security and maintenance of public order in the event of the release of the petitioner on parole. He argued that mere fact that the petitioner had earlier availed parole in March/April, 2021, and surrendered on time and did not engage in any illegal activity during that period would itself negate the ground of any apprehension or threat to security of State or that he would indulge in any criminal activity.

Reply by way of affidavit of Shri Parvesh Chopra, PPS, Deputy

Superintendent of Police, Sub Division, Attari, Amritsar (Rural) has been filed, wherein, it is stated that during verification by SHO, P.S.Gharinda, Amritsar Rural, it was found that the petitioner had been involved in criminal activities and he can again involve in such activities of drug trading and can pose a threat to security of the State and maintenance of public order.

Section 6 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short “the Act”) specifically provides that notwithstanding anything contained in Sections 3 and 4 no convicted prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or an officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the State or the maintenance of public order.

In the impugned order passed by the District Magistrate, Amritsar, there are no justifiable reasons given or material indicated to record a finding that the release of the petitioner is likely to endanger the security of the State or the maintenance of public order. Nor is there any report indicated if the petitioner had involved himself in any illegal activity during his release on parole on earlier occasion. Hence, the impugned order cannot sustain.

As per Section 3(2-A) of the Act a convicted prisoner may be released on regular parole for sixteen weeks, during a calendar year and shall be availed of on quarterly basis.

Accordingly, the petition is allowed. The impugned order dated 21.07.2022 (Annexure P-2) is quashed. The respondents are directed

to release the petitioner on parole for a period of **three weeks** subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of the parole period.

(LALIT BATRA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

February 22, 2023

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No