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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : December 12, 2023

BALWAN SINGH

-Petitioner

V/S

STATE OF PUNJAB AND ORS.

-Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. J.S. Bains, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G, Punjab.

KULDEEP TIWARI, J.

1. Through the instant criminal writ petition, as filed under Article 226 of the Constitution of India, read with Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the petitioner seeks quashing of the order dated 06.06.2023 (Annexure P-1), whereby, the respondent No.3, has declined to grant parole to the petitioner. In addition, the petitioner also seeks issuance of directions upon the respondents No.2 and 3 to release him on parole for a period of 8 weeks.

2. The petitioner has been convicted by the learned Judge, Special Court, Shaheed Bhagat Singh Nagar, through drawing a verdict of conviction on 08.05.2012, in case FIR No.09 dated 07.03.2010, under Section 15/29 of the N.D.P.S. Act, registered at P.S. Kathgarh, District Shaheed Bhagat Singh Nagar. Consequent to the drawing of the verdict of conviction, the petitioner has been sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,00,000/-, and, in default of payment of fine, to further undergo rigorous imprisonment for a period of

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one year and six months.

3. The petitioner being eligible for parole, applied for grant of parole for 08 weeks, whereupon, his case was placed before the respondent No.3, i.e. District Magistrate, Pathankot, vide letter No.2925 dated 25.03.2022.

4. However, the respondent No.3, through drawing Annexure P-1, which comprises the impugned order dated 06.06.2023, declined to grant parole to the petitioner.

5. A bare glance at the impugned order dated 06.06.2023 (Annexure P-1) makes revelations that the decision to decline parole to the petitioner was anchored upon a police verification report, wherethrough, the Senior Superintendent of Police, Pathankot, expressed apprehension qua threat to State Security, besides apprehension qua break down of law and order, in case the petitioner is released on parole.

6. The above assigned reason appears to be an ill-informed reason, as it is not supported by any cogent evidence. If so, without existence of the above tangible evidence on record, the respondent No.3, who drew the impugned order (Annexure P-1), could not draw it, whereby, it rejected the claim for parole, as preferred before it by the petitioner.

7. In view of what has been stated above, this Court deems it fit and appropriate not to curtail the liberty of the petitioner.

8. In sequel, after allowing the present petition, the petitioner is ordered to be released from the prison concerned, by the Superintendent of the prison concerned, from the period commencing from the morning of 25.12.2023 to the evening of 18.02.2023. On expiry of the above term of parole, the petitioner shall forthwith re-step into the prison concerned and if

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he does not do so, thereupon the SHO of the jurisdictional police station concerned shall forthwith arrest the petitioner and thereafter, shall produce him before the learned Judicial Magistrate concerned.

9. Personal surety bonds comprised in a sum of Rs.50,000/- are ordered to be furnished by the petitioner, before the Superintendent of the prison concerned.

10. The petition is allowed in the above terms.

(KULDEEP TIWARI)
JUDGE

December 12, 2023
devinder

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