

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

213

CRWP-11910-2022

Date of decision:-17.03.2023

Harpartap Singh

.... Petitioner

Vs.

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Brijesh Nandan, Advocate for the petitioner.

Mr. Alankar Narula, AAG, Punjab.

Manisha Batra, J. (Oral)

Present petition has been filed by the petitioner, who has been held guilty and sentenced by the Court of learned Additional Sessions Judge, Fazilka vide judgment dated 01.10.2019 in case bearing FIR No.98, dated 04.07.2015, under Sections 21, 22, 24, 25, 27, 28, 29, 30 of NDPS Act, registered at Police Station Sadar Jalalabad, District Fazilka, for directing the respondents to release him on parole for a period of four weeks'.

It is submitted that he had applied for eight weeks' parole with the respondents but respondent No.3 had rejected his application vide order dated 22.02.2022. He has filed CRWP No.2186 of 2022 seeking concession of parole of eight weeks' and vide order dated 07.04.2022, such benefit was granted to him. He moved an application

through Jail Superintendent, District Jail, Muktsar Sahib to respondent No.3 for release of four weeks' parole. The said application has not been decided by respondent No.3 so far. The application has now been confined in Central Jail, Shri Goindwal Sahib. His conduct has remained consistently good in the jail. There is no apprehension of breach of peace on account of his release on bail therefore, prayer has been made for directing the respondents to decide his parole application and hence prayer has been made for directing the respondents to decide his parole application or in the alternative prayer has been made that his plea for parole be allowed and the respondents may be directed to release him on parole for a period of 4 weeks'.

The report from the respondents had been called and a short reply by way of an affidavit has been submitted by the respondents to the effect that the petitioner had been previously extended benefit of parole w.e.f. 29.04.2022 to 25.06.2022 and had surrendered back in jail on stipulated time. He had again moved an application for grant of parole for four weeks'. Police verification report had been sought as per which the petitioner, who was previously serving in BSF was indulging in the business of smuggling of heroine in connivance with the smugglers across the border. His village was only 5 km away from Pakistan border. There was apprehension of his starting the business of smuggling of heroine again and causing of danger to the security and maintenance of public order. It is submitted that parole case of the petitioner was rejected by the District Magistrate vide order dated 14.01.2023. Hence prayer has been made for dismissal of the petition.

We have heard learned counsel for the petitioner and learned

State counsel for the respondents at length and have perused the record.

The petitioner had previously being given benefit of parole. He did not misuse the same and had surrendered in the court in time. There is no basis for the plea that he would indulge again in the business of smuggling of heroine. More so, it has also not been explained as to how there would be danger to security of state and maintenance of public order if benefit of parole is extended to the petitioner. Section 3(1)(d) of the Punjab Good Conduct Imprisoners' (Temporary Release) Act, 1962, permits temporary release of prisoner on parole for sufficient cause to meet his family.

Taking all these circumstances into consideration, the petition is hereby allowed. The petitioner is ordered to be released on parole for a period of three weeks subject to his furnishing personal/surety bonds to the satisfaction of the concerned District Magistrate .

Concerned District Magistrate, may impose such conditions as may be necessary to secure the presence of the petitioner in jail after the parole is over and to ensure that the temporary release is not misused.

(RITU BAHRI) (MANISHA BATRA)
JUDGE JUDGE

17.03.2023

pooja saini

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No