

211 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

CRWP-11854-2023

Date of Decision : 18.12.2023

GURJANT SINGH ALIAS JAND

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. Barjinder Singh, Advocate
for Mr. Prateek Pandit, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab.

SURESHWAR THAKUR, J. (Oral)

1. Through the instant writ petition, the present petitioner makes a challenge to the declining order, as made by the Competent Authority on his application for his being released on parole from the prison concerned. The said declining order is carried in Annexure P-6.

2. The reason for making a declining order on the relevant application, as disclosed therein, thus spurs from the factum that, though there is no danger to the peace and security in the State of Punjab, upon, the present petitioner becoming released on parole.

3. Nonetheless, it is further stated therein, that the petitioner is undergoing sentence, in respect of a conviction becoming recorded upon him, for his possessing commercial quantity of the relevant contraband, besides there being other cases under the NDPS Act and under the IPC, which stand lodged against the present petitioner.

4. Therefore, and when from secret sources, unravellings are

unfolded, that upon the present petitioner becoming released from prison, thereby there is every possibility of his re-indulging, in selling of contraband and/or of there being every likelihood of his absconsion.

5. Resultantly through Annexure P-6, his application for parole became dismissed.

6. The learned counsel appearing for the petitioner, has vigorously argued, that in a number of FIRs registered against the present petitioner, verdict(s) of acquittal have been made upon him. Therefore, he contends that the ground as raised in the reply, on affidavit, which has been filed today before this Court, by the learned State counsel, thus revealing that given the large pendency of FIRs, against the petitioner, thus working as an obstacle for this Court to interfere, with the impugned order, thus not therebys hold any ground.

7. Be that as it may, the prime reason for this Court for validating the impugned order, becomes marshalled from the trite fact, as occurs in paragraph No. 9 of the reply, on affidavit, wherein, it has been stated, that even when the present petitioner, was facing trial in respect of FIR No. 71 dated 22.09.2015 under Sections 21/61/85 NDPS Act, registered at Police Station Fateh Garh Panj Toor, and, whereons, a verdict of conviction became pronounced upon him, yet thus in phase (supra) also, he was indulging in sale of contraband.

8. Therefore, if so, upon the present petitioner becoming granted parole, by this Court, thereby, there appears to be a genuine and well founded reason prevailing upon the authority concerned, to believe, the secret information relied, upon, the authority concerned, to conclude that upon the present petitioner becoming released on parole,

there is every likelihood in his re-indulging in sale of contraband, thus during pendency of trial (supra).

9. In aftermath, this Court finds no merit in the writ petition and is constrained to dismiss it.

10. The writ petition is accordingly dismissed. The impugned order (Annexure P-6), is maintained and affirmed.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

18.12.2023
kavneet singh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No