

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

213

**CRWP-11896 of 2023
Date of Decision:19.12.2023**

Mangat Rai

....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Mr. Kanisth Ganeriwala, 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 from the prison concerned, thus on parole. The said declining order is carried in Annexure P-1. In the impugned order, it becomes set forth that the petitioner is engaged in the selling of contraband, thereby on his becoming released on parole, rather would result in there being an endangerment to public order. The said ground is premised upon the report of the Superintendent, Central Jail Bathinda.

2. The learned counsel for the petitioner submits that the ground

(supra), as becomes recorded in the impugned Annexure P-1, is completely misfounded, as it did not become anchored upon any tangible material. Therefore, he contends that the impugned order is suffering from the gross vice of non-application of mind, and, rather is based upon material which otherwise is not supported, by any concrete or tangible evidence. In consequence, he prays that the impugned order be quashed and set aside, and, direction(s) be made upon the Superintendent of the Jail concerned, where, the petitioner is presently lodged, to order for his being released on parole.

3. After inviting the reply to the instant writ petition, the said reply has been filed by the Superintendent, Central Jail, Bathinda, and, the same has been placed on record. For determining, whether as a matter of fact, the petitioner had abused, the earlier availed, facility of parole or bail respectively, from the authorities concerned, or, from the Courts of Law concerned, this Court has discovered that during the phase commencing from 27.02.2019 to 17.08.2019, when the petitioner became enlarged on regular bail in respect of an offence constituted under the [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (hereinafter to be referred to as “the Act of 1985”), rather he had proceeded to commit an offence constituted under the Act of 1985. Resultantly thereby the earlier availed facility supra was abused by the petitioner

4. The effect of the above, is that, the apprehension reared by the respondent, that in the event of the present petitioner becoming assigned the facility of parole, thereupon, there is every likelihood of his re-indulging, in drug trafficking and thereby his endangering the peace in the region

concerned, and, further also leading to the danger of State security and public maintenance and order, but obviously is a well founded contention.

5. If so, this Court finds no merit in the writ petition and is constrained to dismiss it. Consequently, the present writ petition is dismissed.
6. The impugned order (Annexure P-1), is maintained and affirmed.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

December 19, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No