

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105 CRWP-191-2024
Date of Decision : January 11, 2024

SURAJ SINGH -PETITIONER

V/S

STATE OF PUNJAB AND OTHERS -RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kanisth Ganeriwala, Advocate
for the petitioner.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant criminal writ petition, as filed under Article 226 of the Constitution of India, the petitioner seeks quashing of the order dated 21.11.2023 (Annexure P-1), whereby, the respondent No.2, has declined to grant parole to the petitioner. In addition, the petitioner also seeks issuance of directions upon the respondents concerned to release him on parole for a period of 8 weeks.
2. The petitioner has been convicted by the learned Judge, Special Court, Bathinda, through drawing a verdict of conviction on 15.04.2023, in case FIR No.34 dated 11.03.2021, under Section 22-C of the N.D.P.S Act, 1985, registered at P.S. Sadar Bathinda. 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/-.
3. The petitioner being eligible for parole, under provisions of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962,

applied for grant of parole for 08 weeks. His case for parole was processed by the Superintendent, Central Jail, Bathinda (respondent No.3), and sent to the District Magistrate, Bathinda, vide No.4023-4024 dated 22.08.2023, for further action.

4. However, owing to inaction on his application seeking parole, the petitioner approached this Court through filing CRWP-10788-2023, which resulted in this Court drawing the order dated 08.11.2023, thereby issuing direction upon the respondent concerned to decide the parole application of the petitioner, within ten days from the passing of said order.

5. In compliance of order dated 08.11.2023, as passed upon CRWP-10788-2023, the respondent No.2, through drawing Annexure P-1, which comprises the impugned order dated 21.11.2023, declined to grant parole to the petitioner.

6. A bare glance at the impugned order dated 21.11.2023 (Annexure P-1) makes revelations that the decision to decline parole to the petitioner was anchored upon a report made by the Sr. Superintendent of Police, Bathinda, wherein, apprehension qua the petitioner re-indulging in smuggling of narcotics, besides apprehension qua break down of law and order, in case the petitioner is released on parole, was expressed.

7. 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.2, 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.

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

9. 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 15.01.2024 to the evening of 11.03.2024. On expiry of the above term of parole, the petitioner shall forthwith re-step into the prison concerned and if 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.

10. 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.

11. The petition is allowed in the above terms.

January 11, 2024

devinder

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No