



CRWP-4367-2024

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

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Date of decision : 03.02.2025

Ajay Kumar

... Petitioner

Versus

State of Punjab and others

.. Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:- Mr. Dipanshu Kapur, Advocate for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 21.03.2022 (Annexure P-1) whereby his application for release on parole has been dismissed.

2. Learned counsel for the petitioner submits that the application of the petitioner for his release on parole has been erroneously rejected only on the ground that the petitioner is likely to sell drugs and would be a threat to the security of the State.

3. Learned State counsel, while referring to the reply, submits that the petitioner is involved in several other cases and therefore, the competent authority had rightly declined his case for release on parole. He also submits that another FIR bearing No.269 dated 20.10.2022, under Sections 21, 21-A NDPS Act and 52 of the Prisons Act, at Police Station STF, Phase-4 Mohali

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had been registered against him and therefore, his release would be a threat to the security of the State.

4. Heard.

5. The petitioner is stated to be convicted in FIR No.194 dated 29.11.2018, registered under Sections 21/29/31 of the NDPS Act at Police Station City Nawanshahr, Punjab and sentenced to undergo rigorous imprisonment for 12 years vide the judgment dated 19.07.2021. The petitioner had made an application for his release on parole on 06.01.2022 which had been rejected by the impugned order dated 21.03.2022 (Annexure P-1). It is apparent from the impugned order that the case of the petitioner has been rejected by recording that he is habitual of selling intoxicant substances and likely to sell drugs if he is released on parole. Although a reference has been made to the FIRs registered against the petitioner under Sections 323, 325, 341, 506, 34 IPC and Section 61/1/14 of the Excise Act but there is no reference to any other case registered against the petitioner under the NDPS Act in the impugned order. The impugned order has been passed on 21.03.2022 while the FIR in another case under the NDPS Act has been registered on 20.10.2022 i.e. after passing of the impugned order. The petitioner's involvement in a case under the NDPS Act by itself cannot be the basis for arriving at the conclusion that after his release he would be a threat to the State Security and therefore, the impugned order being cryptic and non-speaking, deserves to be set aside.

6. Consequently, the petition is allowed and the impugned order dated 21.03.2022 (Annexure P-1) is set aside. The petitioner would be at liberty to make an application for his release on parole to the competent authority. In

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the event of the petitioner doing so, the competent authority would consider and decide the same in accordance with law and in the light of the judgment of the Full Bench of this Court in the case of **Achan Kumar versus State of Punjab and others**, bearing CRWP No.3259 of 2024, decided on 02.09.2024, within a period of four weeks of its receipt.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

February 03, 2025

sonia gugnani

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