

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

**CWP No.14968 of 2018
Date of decision: 09.07.2018**

Gurmit Singh @ Gopi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vishal Khatri, Advocate,
for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

Ritu Bahri, J.

Petitioner is seeking direction to the respondents to release him for six weeks to enable him to look after his ailing wife, under Section 3 of the Punjab Good Conduct Prisoner's (Temporary Release) Act, 1962 keeping in view the judgment passed by Division Bench of this Court in **Bansi Lal vs. State of Punjab and others**, 2016 (1) PLJ (Criminal) 55 (P&H).

Vide judgment dated 19.08.2015 passed by the Additional Sessions Judge, Tarn Taran in case titled as 'Intelligence Officer Directorate of Revenue Intelligence vs. Balwinder Singh @ Kala and others' (Annexure P-1), whereby six accused, including present petitioner-Gurmit Singh @ Gopi, were convicted under Sections 23 (c), 29 and 27 (A) of Narcotic Drugs & Psychotropic Substances Act.

It has been stated in the petition that Gurcharan Singh, who was one of the co-accused, has been released on parole on more than six

occasions.

This fact has not been disputed by learned State counsel. In the reply filed on behalf of respondent No.4, by way of affidavit of Deputy Superintendent of Police, Sub Division, Patti, District Tarn Taran, it has been stated that the antecedents of the petitioner do not entitle him to release on parole.

Learned counsel for the petitioner states that the petitioner was involved in another case i.e. FIR No.24 dated 08.05.2012, under Section 21 of NDPS Act, registered at Police Station, Behram, SBS Nagar. In that case, he has been convicted for 10 years by the Special Court, SBS Nagar. In that case, his sentence has been suspended by this Court while disposing CRM No.20238 of 2016. Apart from this, he is not facing any other criminal trial.

Along with this petition, petitioner has annexed medical certificate (Annexure P-2) of his wife namely Sandeep Kaur, a perusal of which, shows that she required blood transfusion multiple units and further examination. Further, as per certificate dated 26.04.2018 issued by Mehra Hospital, she (Sandeep Kaur) is a patient of compressed Bone Marrow and Mega blash Anaemia.

Today, reply on behalf of respondent No.3, by way of affidavit of Pardeep Kumar, District Magistrate-cum-Deputy Commissioner, Tarn Taran, has been filed in Court, reiterating the stand taken by respondent No.1. Same is taken on record.

Keeping in view that the petitioner has been in custody since his conviction and even prior to that, he has been in jail, he deserves to be released on parole. Moreover, he has not availed concession of bail even on a single occasion.

Resultantly, the present petition is allowed and the petitioner is directed to be released on parole for a period of six weeks, immediately on his furnishing bail/personal bonds to the satisfaction of the District Magistrate, Tarn Taran/Competent Authority. It is made clear that the period of parole will start from the date of release of petitioner from the jail. The petitioner is further directed to surrender before 5.00 p.m. before the Jail Authorities on the date, on which, the period of parole would come to an end. The petitioner will not indulge in any illegal activity during his parole. In case he commits any breach of conditions imposed upon him, then concerned authority may file an appropriate application/review petition for cancellation of the parole of the petitioner.

09.07.2018
ajp

(RITU BAHRI)
JUDGE

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