

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

**CWP-23188-2018 (O&M)
Date of decision : 14.12.2018**

Inderjit Singh

..... Petitioner

Versus

Union Territory Chandigarh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Harpreet S. Multani, Advocate for the petitioner.

Mr. Sukant Gupta, Addl. PP, U.T., Chandigarh

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Petitioner who is undergoing rigorous imprisonment for 10 years along with fine under Sections 20, 27 and 29 of the Narcotic Drugs and Psychotropic Substance Act, 1985, seeks direction from this Court to release him on premature release on the ground that he has completed the sentence after taking into consideration the period of parole and furlough in view of the law laid down by Supreme Court in '*Maru Ram versus Union of India*' 1980 AIR (SC), 2147; '*Faquir Singh versus State of Punjab and another*' 1988 (1) RCR (Crl.), 558.

Learned State counsel has not disputed this fact that furlough is to be treated as part of the sentence. However, the point which has arisen before this Court is as to whether parole period is to be excluded while counting the sentence or it has to be included in the sentence?

Admittedly, as per the Rule 3 (3) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, (for short 'the Act') period of release on parole shall not be counted towards the total period of sentence of a prisoner.

Learned counsel for the petitioner has referred to some letter (Annexure P-2) by the Additional Inspector, General of Prisons, U.T. Chandigarh whereby some verbal directions were issued by the Administrative Judge showing that parole should be included in the sentence.

However, learned counsel for respondent has relied upon the authority titled as '*State of Haryana and others versus Karambir Singh*' 2001 (5) Supreme 427, in which it was held that the parole is to be excluded from the total sentence.

Learned counsel for the petitioner has failed to show any authority to this Court whereby the said Rule 3(3) of the Act was either quashed by any Court or interpreted in the manner that notwithstanding that rule, parole is to be included in the total sentence.

It being so, prayer of the present petitioner to include the parole period in the total sentence so as to qualify him for pre mature release is hereby dismissed.

Dismissed accordingly.

(KULDIP SINGH)
JUDGE

14.12.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No