

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

CWP-29201-2019

Date of Decision: 30.10.2019

Gurdev Singh

....petitioner

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sukhbir Singh, Advocate for
Mr.Parminder Singh, Advocate
for the petitioner

Mr.Saurabh Mohunta, DAG Haryana

RAJIV NARAIN RAINA, J. (ORAL):

Through this petition, the petitioner has sought for a writ in the nature of mandamus for issuance of direction to the respondents to consider the representation (P-2) for grant of agricultural parole to the petitioner for four weeks.

Reply on behalf of the State has been filed in the Court today and the same is taken on record.

The petitioner has been convicted and sentenced to undergo rigorous imprisonment for ten years under Section 18(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, “NDPS Act”). As per the provisions of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015, the convict would be entitled for parole only after completion of five years of

imprisonment including the under trial period for a maximum of two years and has not been awarded any major punishment by the Superintendent of Jail.

As per the affidavit filed today, the actual period of custody undergone by the petitioner after conviction is 01 year, 07 months and 02 days. The total period of actual custody or undergone period including custody of the under trial is 01 year 11 months. The parole has been sought for agricultural purpose for four weeks. There is no averment in the petition that the petitioner is the only male member of the family and therefore his presence would be required for the temporary period of release. The petitioner was convicted for possession of commercial quantity of poppy husk and opium.

I do not find any valid ground to accept the petition.

The petition is accordingly dismissed.

30.10.2019

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes/No.

Whether reportable-

Yes/No