

**CWP-36185-2018**

**[1]**

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

**CWP No.36185 of 2018 (O&M)  
Date of decision: March 15, 2019**

**Rajinder Singh @ Mintu**

**...Petitioner**

**Vs.**

**State of Punjab and Others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Gurbir Singh Sandhu, Advocate  
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

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**HARINDER SINGH SIDHU, J.**

This petition has been filed praying for directions to quash the order of the Superintendent, Central Jail, Patiala dated 27.11.2018 (Annexure P-3) whereby the application of the petitioner for release on parole has been rejected. It has also been prayed that the respondents be directed to release the petitioner on parole.

The petitioner is undergoing rigorous imprisonment for twenty years in case FIR No.180 dated 22.07.2009 under Sections 21, 22, 23, 25 Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Focal Point, Ludhiana after his conviction by the Trial Court. His appeal is pending adjudication before this Court.

The petitioner submitted an application to the Superintendent, Central Jail, Patiala for grant of parole to attend the last rituals of his father, who had died on 25.11.2018. The said application was rejected by the Superintendent, Central Jail, Patiala vide order dated 27.11.2018 on the ground that six cases were pending against him, wherein, he is not on bail. It was noticed that the petitioner had been allowed to attend the cremation of his father under police custody on 26.11.2018.

The aforesaid order was challenged by the petitioner by filing CWP No.30230 of 2018 titled “Rajinder Singh @ Mintu vs. State of Punjab and others”, which was dismissed by this court on 3.12.2018 with liberty to the petitioner that if he is enlarged on bail in the six cases, he can apply for parole afresh on the same grounds. The said order reads:-

*“A perusal of the impugned order shows that on account of death of his father, he was allowed to attend the cremation in custody by the jail authorities. His emergency parole has been declined on the ground that six cases are pending against the petitioner in which he is in custody. List of those cases registered against the petitioner has been attached.*

*Learned counsel for the petitioner submits that in first case bail order has been passed but he is yet to furnish the bail bonds. In any case, if the parole is granted that will be usual exercise as petitioner is in custody in six cases and even if he has furnished bail bonds in one case, he will remain in custody in other five cases.*

*It being so, there is no ground to grant emergency parole to the present petitioner and there is no illegality in the order dated 27.11.2018 (Annexure P-3) passed by Superintendent, Central Jail, Patiala.*

*Dismissed.*

*However, liberty is granted to the petitioner that if the petitioner is enlarged on bail in those six cases, he can apply for fresh parole on the same grounds.”*

Learned counsel for the petitioner states that the petitioner has furnished requisite bail bonds in the pending cases. It is also stated that the wife of the petitioner has undergone major surgery as she was having cyst in her body and has been advised bed rest by the doctors.

Notice of motion was issued and reply has been filed by the Deputy Superintendent, Central Jail, Patiala. In it it has been stated that on a petition filed by the petitioner he had been granted interim bail for 10 days by this Court to perform the last

rites of his deceased father, subject to furnishing requisite bail bond/surety bonds. However, he could not be released as he did not furnish the requisite bail bonds.

Today, an affidavit of custody has been filed by Gurcharan Singh Dhaliwal, Deputy Superintendent, Central Jail, Patiala, which indicates that the petitioner is on bail in five cases and in six cases, he has been acquitted by different courts. He is in custody and undergoing sentence in case FIR No.180 dated 22.07.2009 under Section 21, 22, 23, etc. Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Focal Point, Ludhiana, wherein, he has sought release on parole.

In view of the aforesaid, there appears to be no ground to deny parole to the petitioner. The fact of the father's death has been admitted by the respondents. The petitioner is entitled to be released for a period of fifteen days in terms of the provisions of Section 3(1)(a) and 3(2)(a) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

Accordingly, this petition is allowed. The respondents are directed to release the petitioner on parole for a period of fifteen days subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of fifteen days of his release.

February 15, 2019

( HARINDER SINGH SIDHU )  
JUDGE

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|-----------------------------|----------|
| Whether Speaking / Reasoned | Yes      |
| Whether Reportable          | Yes / No |