

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

CRWP-6329-2020

Date of decision: 04.12.2020

Bachittar Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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

Mr. Sandeep Vermani, Addl. AG, Punjab.

AJAY TEWARI, J.(ORAL)

1. This is a petition challenging the order whereby parole was declined to the petitioner on the ground that he may indulge in smuggling of narcotic substance.

2. The brief facts are that the petitioner has been convicted for having in possession of 110 grams of intoxicant powder containing Diphenoxylate Hydrochloride and sentenced to undergo rigorous imprisonment for a period of 12 years along with fine of Rs.1,50,000/- and in default of payment of fine to further undergo simple imprisonment for a period of 06 months under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 vide judgment and order dated 15.07.2017 passed by the learned Judge, Special Court, Amritsar. Petitioner is a first offender.

3. As per the custody certificate dated 03.12.2020 filed by Hemant Sharma, Deputy Superintendent, Central Jail, Amritsar, the

petitioner has undergone actual sentence including custody as undertrial for a period of 04 years 08 months and 11 days out of 12 years of rigorous imprisonment.

4. These facts have not been disputed by learned Additional Advocate General.

5. In the circumstances, the vague reason which has been advanced cannot stand on a scrutiny of law. Consequently, the impugned order is *set aside* and the petitioner be released on parole for a period of four weeks subject to his furnishing surety to the satisfaction of the concerned Chief Judicial Magistrate.

6. Petition is disposed of accordingly.

7. Since the main case has been decided, the pending Criminal Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

04.12.2020

m. sharma

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