

**CRWP-1473-2019**

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

**CRWP-1473-2019**

**Date of Decision: 19.02.2020**

Bau Singh @ Darshan

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Ms. Anupam Bhanot, Advocate,  
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

**HARNARESH SINGH GILL, J. (Oral)**

The present criminal writ petition has been filed under Articles 226 and 227 of the Constitution read with Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1988 for issuance of a writ in the nature of certiorari for quashing the order dated 09.08.2019 (Annexure P-1) passed by respondent No.2 whereby application moved by the petitioner seeking parole for eight weeks to look after his family, was dismissed.

Learned counsel for the petitioner states that vide judgment dated 14.11.2018 passed by the learned Judge, Special Court, Gurdaspur, in FIR No.29 dated 29.05.2015, registered at Police Station Bhaini Mian Khan, Gurdaspur, under Section 22 NDPS Act, 1985, the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of ten years

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and to pay a fine of Rs.1 lakh. Being dissatisfied with the said judgment, the petitioner has preferred an appeal, bearing No.CRA-S-136-2019 before this Court and the same is pending adjudication. There is no other case pending against the present petitioner. She further contends that except the petitioner, there is no other male member in his family to look after his old aged parents.

On 16.01.2020, learned State counsel sought time to produce copy of Panchayatnama.

Today, learned State counsel has filed the short affidavit of Sh.Arshdeep Singh, PPS, Superintendent, Central Jail, Amritsar, alongwith Panchayatnama dated 07.06.2019 in the Court. The same is taken on record.

The Panchayatnama (Annexure R-1/T) duly signed by Sarpanch, member Gram Panchayat and Lambardar of village, indicates that there is no other male member in the family of the petitioner to look after his old aged parents. It is also stated that there is no threat to the security of the area and maintenance of peace and law and order of village, if the parole is granted to the petitioner.

Learned State counsel, on instructions from HC Lakha Singh, submits that there is no other case pending against the petitioner.

Taking into consideration the facts and circumstances of the present case, the present petition is allowed and the impugned order dated 09.08.2019 (Annexure P-1) is set aside. The petitioner is granted parole for a period of five weeks w.e.f. 24.02.2020, to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as

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may be required in the Jail Manual towards the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

**19.02.2020**  
parveen kumar

**(HARNARESH SINGH GILL)**  
**JUDGE**

|              |                           |   |        |
|--------------|---------------------------|---|--------|
| <b>Note:</b> | Whether speaking/reasoned | : | Yes/No |
|              | Whether reportable        | : | Yes/No |