

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRWP-6653-2021

Date of Decision:-16.12.2021

Narinder Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vishal Khatri, Advocate for the Petitioner.

Mr. H.S. Sullar, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

Petitioner-Narinder Singh son of Sh. Dhian Singh has filed the present petition under Section 226 of the Constitution seeking temporary release on Parole for 8 weeks for socializing and meeting with his old age mother under Section 3(1)(d) of the Punjab Good Conduct Prisoner's (Temporary Release) Act, 1962.

The petitioner was convicted in FIR No.26 dated 23.04.2015 under Section 21 of the NDPS Act, 1985 registered at Police Station Khemkaran, Tarn Taran and was sentenced to undergo 10 years RI as per judgment of the learned Special Judge, Tarn Taran dated 13.12.2017. He thereafter filed an appeal against his conviction bearing CRA-S-336-SB of 2018 which stands admitted by this Court.

The application made by the petitioner to the office of Deputy Commissioner, Tarn Taran lead to the passing of the impugned order dated

16.06.2021 as per which he has been denied Parole on account of the fact that he might engage in smuggling as he was a smuggler.

The reply of the State dated 19.08.2021 filed by way of affidavit of Sh. Baljit Singh, PPS, Superintendent, Central Jail, Kapurthala also relied on the aforementioned report and, therefore, it was prayed that petitioner be not granted the relief as prayed for.

I have heard learned Counsel for both the parties.

Admittedly, the petitioner has been in custody for more than 06 years, 02 months and 20 days. As per the custody certificate dated 16.08.2021 though undoubtedly he is also involved in other case, however, it is also matter of record that as per the rejection order dated 16.06.2021 the report of SSP Tarn Taran is to the effect that there was no threat to the state security and maintenance of public order, should the petitioner be granted the concession of Parole.

In this view of the matter, after considering the rival submissions of both the parties, I find that the petitioner deserves the concession of 08 weeks Parole as prayed for and accordingly, the petitioner is ordered to be released on Parole for a period of 08 weeks from the date of his actual release, subject to his furnishing bonds to the satisfaction of the Jail Superintendent, Central Jail, Kapurthala and subject to the further condition that he will positively surrender on the expiry of his parole period.

The petition is disposed of in the above terms.

(JASJIT SINGH BEDI)
JUDGE

December 16, 2021

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<i>Whether speaking/resoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>