

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARHCRWP No.7758 of 2021
Reserved on November 22, 2021
Pronounced on:December 02, 2021

Bikram Singh

.....Petitioner(s)

Vs.

State of Punjab and another

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Naresh Kaushik, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

ANOOP CHITKARA J. (ORAL)

FIR No.	Dated	Police Station	Section(s)
117	25.11.2005	Division No.2, Jalandhar	21 of NDPS Act

The petitioner, who was convicted for possessing commercial quantity of psychotropic substance and was sentenced to undergo 12 years of imprisonment, has come up before this Court under Article 226 of the Constitution of India for pre-mature release.

2. Vide judgment dated 10.04.2007, the petitioner was convicted. His appeal against conviction was dismissed and thus, the conviction had attained finality.

3. As per the communication received by petitioner from office of Superintendent, Central Jail, Amritsar, the petitioner had undergone 11 years, 07 months and 14 days as on 07.06.2021 and he was on parole due to Covid-19 pandemic upto 16.08.2021 out of total sentence of 12 years. Thus as on this date, he has undergone more than 11 years and 10 months of imprisonment.

4. The rules pertaining to pre-mature release of the convicts under NDPS Act are different than those applicable to convicts under IPC and other offences. Although the petitioner has prayed for pre-mature release on medical conditions but instead of releasing

the petitioner pre-maturely, it would be more appropriate that given the medical conditions of the petitioner, he be admitted in hospital under custody, if so advised by the concerned doctors. This Court further directs that if on concerned doctor's affirmation, hospitalization is done, the period in hospital shall be as a prisoner and be deemed custody for this offence.

5. Learned counsel for the petitioner could not draw attention of the Court to any other provision which would enable this Court to issue any writ of pre-mature release in favour of the petitioner, against whom the stringent provisions of NDPS apply.

6. With the aforesaid observations, this writ petition is disposed of.

(ANOOP CHITKARA)
JUDGE

December 02, 2021
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Whether speaking/reasoned	Yes/ No
Whether reportable	Yes /No