

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
208**

CRWP No. 10389 of 2021

Date of Decision: December 01, 2021

Ajay Kumar Shah

....Petitioner

VERSUS

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Abhinav Aggarwal, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

(The proceedings are being conducted through video conferencing, as per instructions).

G.S. SANDHAWALIA, J(Oral).

By filing the present criminal writ petition under Articles 226/227 of the Constitution of India, the petitioner seeks grant of parole for four weeks under Section 3 (1) (a) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for treatment of his two minor sons and wife, as per his representation dated 18.10.2021 (Annexure P-3) filed before respondents No.2 to 4.

In the reply filed by the Deputy Superintendent, District Prison, Jhajjar, it has been averred that the petitioner's wife has been communicated on 25.10.2021 that the petitioner was convicted by the Special Judge, Jhajjar for commission of offence punishable under Section 20 of Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as the

NDPS Act) and sentenced to undergo rigorous imprisonment for 15 years and to pay a fine of Rs.1,00,000/- on 13.05.2021. He has not completed one year of actual sentence after conviction and therefore, he is not entitled to any kind of parole on account of Rule 4 (1) of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007.

Perusal of the reply would also go on to show that on an earlier occasion, petitioner was also convicted under the NDPS Act and sentenced to undergo rigorous imprisonment for one year by the Special Judge, Mohali and had been released on bail on 09.02.2017, whereas the present FIR was lodged on 07.05.2018.

Keeping in view the above facts, this Court is of the opinion that no case, as such, is made out at this stage to exercise the extra ordinary writ jurisdiction for granting the parole to the petitioner, at this stage in view of the provisions of the Rules, especially in view of the fact that 38.7 Kgs of Ganja was recovered from the petitioner.

Accordingly, this petition is dismissed.

(G. S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

December 01, 2021

Sachin M.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No