

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No. 286 of 2022

Date of Decision: 20.01.2022

Gurdev Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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

HARINDER SINGH SIDHU, J

The petitioner has filed the present petition seeking his release on parole to enable him to attend the marriage of his nephew which is stated to be fixed for 23.01.2022 and 25.01.2022.

The petitioner was convicted under Sections 21 (c) and 23 (c) of NDPS Act, 1985 and sentenced to undergo R.I. for a period of 12 years and to pay fine of Rs. 1 lac, vide judgment/order of sentence dated 05.11.2009 passed by the Special Court, Amritsar. Feeling aggrieved, the petitioner preferred an appeal bearing CRA No. 954-DB of 2009 which has been dismissed by this Court vide order dated 07.10.2013 (Annexure P-1).

An Invitation Card specifying the marriage programmes has been annexed with the petition. It is the case of the petitioner that he had submitted an application for release on parole, however, no order thereon has been passed so far.

Notice of motion.

Sh. Rehat Bir Singh, DAG Punjab, accepts notice on behalf of the respondent-State of Punjab and submits that the petitioner has been convicted in two other cases under the NDPS Act. He further submits that

two more criminal cases are registered under the NDPS Act against him in which he is facing trial. The petitioner had earlier been released on parole, however, he did not surrender in time because of which a case under the provisions of Punjab Good Conduct Prisoners (Temporary Release) Rules, 1963, was registered against him.

Taking into account the facts of the present case, no ground is made out for grant of parole to the petitioner for the purpose stated herein especially in the absence of any report from the concerned Authority.

Dismissed. However, it would be open to the petitioner to apply for release on parole in normal course, which may be considered by the competent authority on its merits without in any manner being influenced by the dismissal of the present petition.

January 20, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No