

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

CRWP-2390-2022 (O&M)

Date of Decision: 02.12.2022

Bhojraj

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. R.K.Grewal, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails communication dated 24.11.2021 (Annexure P-1), which is in the nature of a report from the office of the Collector-cum-District Magistrate, Sri Ganganagar addressed to the Additional Director General of Police (Prisons), Punjab.
2. The petitioner, who stands convicted in case FIR No.78 dated 02.10.2016 registered at Police Station City-2 Abohar, District Fazilka, under Section 22 of the NDPS Act and has been sentenced to undergo rigorous imprisonment for a period of 10 years, apart from fine vide judgment of conviction and order of sentence dated 04.09.2019 passed by the learned Additional Sessions Judge, Fazilka, had applied for grant of parole for 8 weeks on account of ailment of his mother.
3. Pursuant to receipt of said application, the authorities concerned sought report from the Collector-cum-District Magistrate, Sri Ganganagar. In response thereto, the Collector-cum-District Magistrate, Sri Ganganagar

vide impugned communication dated 24.11.2021 (Annexure P-1) has opined that the petitioner be not granted parole. It appears that either no appropriate or final order was passed thereafter on the basis of communication dated 24.11.2021 by the authorities concerned.

4. A perusal of the reply dated 03.09.2022 filed in compliance of order dated 20.07.2022 shows that the factum of the ailment of the petitioner's mother has neither been denied by respondents No.1 to 3 nor in the report received from the Collector-cum-District Magistrate, Sri Ganganagar.
5. Keeping in view the fact that no final order on the application moved by the petitioner has been passed by the authorities concerned, this Court deems appropriate to issue a direction to the authorities concerned to consider and pass an appropriate order as regards the prayer for grant of parole to the petitioner having regard to the fact that the mother of the petitioner is stated to be unwell and while also taking into account all other circumstances relevant for the purpose. It is hoped that necessary order shall be passed within three weeks' from today.
6. Disposed of accordingly.
7. A copy of this order be conveyed to respondents No.1 to 3.

02.12.2022

Vimal

(GURVINDER SINGH GILL)**JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**