

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

CRWP-8154-2022
Date of Decision: 18.11.2022

Gurnam Singh @ Gama

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. P.S. Punia, Advocate,
for the petitioner.

Mr. Arjun Sheoran, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed for grant of 8 weeks' parole to the petitioner under Section 3(2)(d) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for getting his house repaired which is stated to be in deteriorating condition and to meet his family members.

The conviction is of the year 2018 under Section 22 of the NDPS Act, 1985. It is specifically averred that the mother of the petitioner had died on 17.02.2022 but he was released for few hours to attend cremation and was not able to attend the *Bhog* ceremony. On account of the adverse report dated 04.01.2022 that the convict is habitual of smuggling intoxicants and his brother is also undergoing sentence in jail in Govindwal Sahib under the NDPS Act, since his family has not taken the responsibility regarding his act and conduct and there are chances that he may abscond and there would be danger to the security of the public, rejection order has been passed by the Deputy Commissioner, Tarn Taran on 16.06.2022 (Annexure R-1).

Examining the said adverse reports, we are of the considered opinion that the same are in contradiction to the custody certificate as such,

which would go on to show that his under trial period was from 05.07.2014 to

09.01.2015 and 14.05.2018 to 21.05.2018 and the conviction period is from 22.05.2018 to 14.09.2022. There is no other case of similar nature against the petitioner and he has undergone 4 months, 10 months and 4 days of custody. No parole has been availed by him during conviction period and thus, we are of the considered opinion that the purpose of the provisions have been lost sight of by the concerned authorities in spite of the fact that there are repeated judgments of this Court that it is a beneficial piece of Legislation enabling the sentenced person to meet his family and interact with the public for the purpose of reformation.

As per the reply also, the house of the petitioner is stated to be situated in village Brahampura, Tehsil Khadur Sahib, District Tarn Taran and the condition of the house is not good and in rainy season, the roof of the house starts leaking out and the possibility of roof falling down had also been mentioned, which further goes on to substantiate the requirement to grant the said relief.

Resultantly, we are of the considered opinion that the order passed by the Deputy Commissioner, Tarn Taran on 16.06.2022 (Annexure R-1) cannot be sustained and the same is quashed. The petitioner be released on parole for a period of 6 weeks subject to furnishing of bail bonds to the satisfaction of the competent authority.

The petition stands allowed in the above terms.

(G.S. SANDHAWALIA)
JUDGE

18.11.2022
shivani

(MANISHA BATRA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No