

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

CRWP No.8970 of 2022
Date of decision: 09.12.2022

Harkinder Singh @ Mangi
Vs. ...Petitioner

State of Punjab and others ...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Nandan Jindal, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Addl. A.G., Punjab.

Ritu Bahri, J. (Oral)

This petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. and Section 3 (1) (c) & (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short 'the Act') is for quashing of the impugned order dated 09.11.2021 (Annexure P-1) passed by respondent No.4 and to release the petitioner on parole for eight (08) weeks to enable him to meet his son.

The petitioner was convicted in case FIR No.131 dated 26.10.2018, under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, registered at Police Station, Sirhind, District Fatehgarh Sahib and sentenced to undergo rigorous imprisonment for a period of 12 years and to pay a fine of Rs.2,00,000/-.

Learned counsel for the petitioner states that the petitioner wants to meet his son, who was born in the year 2019 when he was in custody. The petitioner has not meet him even once.

As per status report dated 31.10.2022, filed by the Superintendent,

No.110/2016, under Sections 384/506/120-B IPC, registered as Police Station, Payal and FIR No.54 dated 07.06.2013, under Sections 15, 29 of NDPS Act, registered at Police Station, Mukandpur. It is further stated that after receiving the adverse comments from the office of Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, vide letter dated 09.11.2021 (Annexure R-2/T), application for parole has been registered. There is apprehension that if, the petitioner is released on parole, he will commit another crime.

Learned State counsel stated that initially, the petitioner was convicted in the year 2013 and thereafter, when his sentence was suspended in the year 2018, he committed another offence under the NDPS Act.

In the present case, the petitioner is seeking parole only to meet his own son, who was born in the year 2019, as he has not met him since his birth.

Keeping in view the above fact, impugned order dated 09.11.2021 (Annexure P-1) is set aside and a direction is given to the respondents to release the petitioner on parole in order to meet his son, aged about 03 years, for a period of two weeks on furnishing of necessary bonds and sureties to the satisfaction of the District Magistrate concerned. The date of release and surrender shall be noticed by the releasing authority.

Writ petition stands allowed accordingly.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

09.12.2022
ajp

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