

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

211-2

CRWP-710-2023

Date of Decision: 12.05.2023

Sanvi alias Malti

..... Petitioner

Versus

State of Punjab and others

..... Respondents

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

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Alankar Narula, A.A.G., Punjab.

RITU BAHRI, J. (ORAL)

1. The present petition has been filed by the petitioner- Sanvi alias Malti under Article 226 of the Constitution of India for setting aside order dated 01.12.2022 (Annexure P-1) passed by respondent No.3- District Magistrate, Sri Muktswar Sahib, whereby the request of the petitioner for grant of parole for eight weeks had been rejected.

2. The present petition has been filed by the petitioner on the ground that she was held guilty and convicted by the trial Court vide judgment dated 12.10.2021 in case bearing FIR No. 230 dated 02.07.2020 registered under Section 20-C, 29 of the NDPS Act, 1985 at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib. She had been sentenced to undergo rigorous imprisonment for 12 years under Section 20(C) of the NDPS Act and was to pay a fine of Rs. 1,50,000/- and in default of payment

of fine, further to undergo rigorous imprisonment for a period of two years. Appeal bearing No. CRA-D-685-2021 has been filed by her against the said judgment, which is pending before this Court.

3. The petitioner approached respondent No.3 to release her on parole for eight weeks on the ground that her husband, who is 65 years of age, has met with an accident one month ago due to which he is bed ridden and also to look after household affairs. Respondent No.3 after receiving the report from concerned Police Station, did not recommend the parole case of the petitioner and rejected the same vide the impugned order dated 01.12.2022 (Annexure P-1). Feeling aggrieved, she has filed the present petition.

4. Learned counsel for the petitioner has contended that the petitioner has five children whom she has not seen in a long time, and her husband, who is 65 years old was involved in an accident one month ago, leaving him bedridden. Hence, the petitioner be released on parole for a period of eight weeks.

5. On the other hand, learned State counsel has opposed the prayer made by petitioner by way of reply filed in the Court which is taken on record and states that if she is released on parole she can again indulge in the business of intoxicant.

6. As per the custody certificate the petitioner has undergone 02 year, 10 months and 08 days of actual custody and acquitted in a case under Section 498-A, 406 & 494 IPC registered against her. There is no other case under the NDPS Act is pending against her.

7. Counsel for the petitioner submits that there is no other case registered against her and even in case under Section 498-A IPC, she has been acquitted on 17.02.2022. The only ground that after coming on parole, she can again indulge in the business of intoxicant, cannot be made a ground to reject her application for parole.

8. Taking all these circumstances into consideration, the petition is hereby allowed. Impugned order dated 01.12.2022 (Annexure P-1) is set aside. The petitioner is ordered to be released on parole for a period of four weeks subject to her furnishing personal/surety bonds to the satisfaction of the concerned District Magistrate.

9. Concerned District Magistrate, may impose such conditions as may be necessary to secure the presence of the petitioner in jail after the parole is over and to ensure that the temporary release is not misused.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

12.05.2023

Satyawan

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No