

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRWP-1445-2022  
Date of Decision:-19.04.2023

MAHABIR SINGH

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

-.-

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

-.-

Present:- Mr. Ravinder Bangar, Advocate  
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.  
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**KARAMJIT SINGH, J.** (Oral)

The instant writ petition has been filed by the petitioner seeking quashing of order dated 26.11.2021 (Annexure P-1) passed by Superintendent District Prison, Gurugram whereby the application moved by the petitioner for grant of parole for a period of 4 weeks was dismissed.

The counsel for the petitioner submits that 4 weeks parole has been sought by the petitioner to provide proper medical treatment to his wife who is suffering from different ailments.

The State filed reply by way of affidavit of Mr. Harinder Singh, Superintendent, District Jail, Gurugram, contesting the claim of the petitioner.

The petitioner was sentenced to imprisonment for a period of 10 years under the NDPS Act by the Court of Additional Sessions Judge, Bhiwani vide judgment dated 20.4.2005. The petitioner has already undergone more than 7 years and 5 months out of total sentence including remissions. From the perusal of impugned order, it appears that the petitioner was declined concession of parole on the ground that on the earlier occasion while availing parole, the petitioner overstayed. That cannot be considered to be a reasonable ground for rejecting prayer of the petitioner for grant of parole.

In view of the above, the impugned order Annexure P-1, which appears to be passed in a mechanical manner, without application of mind cannot be sustained in eyes of law and accordingly the same is set aside and the petitioner is granted parole for a period of four weeks from the date of release to the satisfaction of District Magistrate concerned, who is further directed to impose such conditions as are required to secure the presence of the petitioner in jail after the period of parole is over. The case of the petitioner be processed expeditiously.

The present petition is allowed in aforesaid terms.

**19.04.2023**  
Gaurav Sorot

**( KARAMJIT SINGH )**  
**JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No