

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

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CRWP No.3084 of 2023.

Date of Decision: 19.10.2023.

Jasvir Singh @ Ladi

....Petitioner.

VERSUS

State of Punjab and others

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Sahil Puri, Advocate and
Ms. Navnika Tuteja, Advocate for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner is seeking his release on parole under Section 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, for a period of eight weeks.

2. Learned counsel for the petitioner submits that petitioner has been convicted under Section 21 of NDPS Act, in FIR No.44 dated 12.06.2016, registered at Police Station Begowal, District Kapurthala and sentenced to undergo imprisonment for a period of 12 years. The alleged recovery which was effected from him is of intoxicant powder containing alprazolam with a weight of 265 grams. He has undergone a period of over 3½ years. The petitioner was also convicted in three other cases under NDPS Act, wherein total recovery of 83 kilograms of poppy husk was

effected in two cases and in the third case alleged recovery is intoxicant powder containing nitrazepam with the weight of 70 grams.

3. In the reply filed by the respondent-State, it is stated that the petitioner is habitual of selling drugs/intoxicant substances and on coming out on parole, there would be threat to the State security and the same would be prejudicial to the maintenance of public order. The petitioner is undergoing sentence and has undergone actual sentence of 03 years and 08 months. He is involved in other cases under NDPS Act, wherein sentence has been undergone by him. In the reply, it is also stated that as per Panchayatnama issued by the Municipal Councilors of Nagar Panchayat, Begowal, District Kapurthala, recommendation has been made to grant parole to the petitioner.

4. Heard.

5. It is true that the petitioner is convicted in other cases under NDPS Act but merely on account of conviction in cases under NDPS Act, it could not be said that his release on parole would constitute a threat to the security of the State and public order would be disturbed. Panchayat has recommended release of the petitioner on parole. It is manifest that the order rejecting the case of the petitioner shows non-application of mind. It is desirable that the convict is released on parole to enable him to maintain his ties with society to enable his reformation as responsible and law abiding citizen of the country after his release from prison.

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6. Consequently, we allow this petition and the impugned order dated 11.01.2022 rejecting parole of the petitioner is set aside. The petitioner shall be released on parole for a period of 06 weeks from the date of his release subject to his furnishing requisite surety bonds to the satisfaction of the competent authority. At his release, SHO, Police Station Begowal, District Kapurthala, would be informed. The petitioner would furnish his mobile number to the SHO and keep the location of his phone on during the period of his parole. He shall surrender before the concerned jail authorities after expiry of their parole period.

(ANUPINDER SINGH GREWAL)
JUDGE

(LALIT BATRA)
JUDGE

19.10.2023
jitender

Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No