

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

Neutral Citation No. 2023:PHHC:118188
CRWP-8433-2023

Reserved on : September 02, 2023
Date of Decision : September 05, 2023

Paramjit Singh @ Pamma

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manpreet Singh Sidhu, Advocates for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

Prayer of the petitioner for releasing him on parole has been declined by respondent No.2 vide order dated 21.08.2023 (Annexure P-4) and so, by way of this writ petition filed under Article 226/227 of the Constitution of India read with Section 3(1) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 [hereinafter referred as 'the Act'], petitioner has prayed for issuing writ of mandamus to direct the respondents to release him on parole for a period of 08 weeks for the wedding of his son, which is fixed for 19.09.2023.

2. Petitioner is undergoing sentence of rigorous imprisonment for a period of 12 years in case FIR No.165, dated 08.11.2006, registered at Police Station Division-B, District Amritsar, wherein he was convicted under Sections 21 and 23 of the Narcotic Drugs and Psychotropic Substances Act, 1985 on 05.11.2009 and admittedly, his appeals upto the Hon'ble Supreme Court have been dismissed.

3. The benefit of parole has been declined to the petitioner by way of the order dated 21.08.2023 (Annexure P-4) after noticing that

petitioner is named in FIR No.17, dated 19.06.2023, registered at Police

Station State Special Operations Cell, Amritsar, under Section 25 of the Arms Act, 1959, and his custody warrants in that case have been issued by learned Judicial Magistrate 1st Class, Amritsar. By keeping in mind the said fact, it was noticed by respondent No.2 that case of the petitioner for parole could not be recommended for a period of 01 year from the date of jail offence i.e. 19.06.2023. Reference of para 543 and 544 of the Jail Manual has also been given in the impugned order dated 21.08.2023, as per which, if a person has committed a jail offence, his case for parole cannot be considered for a period of 01 year.

4. The reasons given by respondent No.2 for declining the request of parole to the petitioner are quite justified. A speaking order dated 21.08.2023 has been passed in this regard. Petitioner having committed jail offence during the pendency of his conviction period, cannot be considered for release on parole for a period of one year from the date of committing the jail offence i.e. till 18.06.2024 and as such, this Court finds no merit in the present writ petition. Same view was taken by this Court in CRWP-1389-2023 titled 'Jagjit Singh vs. State of Punjab' decided on 9.5.2023.

5. However, at the same time, as it has been verified by the police, as per the status report placed on record that marriage of son of he petitioner is fixed for 18-19.09.2023. Therefore, it is directed that petitioner may be taken to the venue of the wedding on both these two dates, i.e. 18.09.2023 and 19.09.2023 in custody, under the police escort to be provided by the Superintendent of Police of the concerned district. The expenses for providing the said police escort shall be borne by the petitioner, to be deposited in advance.

Disposed of.

September 05, 2023
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(DEEPAK GUPTA)
JUDGE

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