

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

CRWP-9335-2022
Date of Decision:-**22.5.2023**

GURJIT SINGH ALIAS BARU

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

-. -

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-. -

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

-. -

KARAMJIT SINGH, J. (Oral)

1. The instant writ petition has been filed by the petitioner seeking quashing of order dated 10.02.2022 (Annexure P-6) passed by Deputy Commissioner-cum-District Magistrate, Barnala whereby the application moved by the petitioner for grant of parole for a period of 8 weeks was dismissed.
2. The counsel for the petitioner submits that 8 weeks parole has been sought by the petitioner to enable him to meet his family members including his old mother.

3. The State filed reply by way of affidavit of Mr. Kulwinder Singh, Superintendent, District Jail, Barnala, which is taken on record along with custody certificate (Annexure R-1), copy of impugned order (Annexure R-2).
4. The petitioner was sentenced to imprisonment for a period of 10 years under the NDPS Act by the Court of Judge, Special Court, Barnala vide judgment dated 27.1.2020. The petitioner has already undergone more than 4 years and 5 months out of total sentence of 10 years. From the perusal of impugned order, it appears that the petitioner was declined concession of parole on the ground that he was also involved in 2 other cases registered under the NDPS Act and further when the impugned order was passed model code of conduct was enforced in the State of Punjab due to upcoming assembly elections. This Court is of the view that at present no such model code of conduct is enforced in State of Punjab and pendency of one another criminal case under NDPS Act, in which, he is stated to be on bail, as per custody certificate, is no ground to decline parole to the petitioner, who has already undergone almost half of the total sentence.
5. In view of the above, the impugned order Annexure P-6, which appears to be passed in a mechanical manner cannot be sustained in eyes of law and accordingly the same is set aside and the petitioner is granted parole for a period of 6 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.

6. The present petition is allowed in aforesaid terms.

22.5.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No