

2024:PHHC:024369-DB

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

Sr. No.255

CRWP-124-2024 (O&M)
Date of decision : 21.02.2024

Ruldu Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Ms. Satinder Kaur, Advocate, for the petitioner.

Mr. Aftab Singh Khara, Sr. DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner who is undergoing rigorous imprisonment of 15 years in case FIR No.98 dated 19.08.2020 under Sections 22 & 29 of the NDPS Act, Police Station City Nandgarh, District Bathinda has filed the instant petition praying for his release on parole for the purpose of meeting his family members and to resolve his matrimonial dispute.

2. Vide order dated 20.12.2023, the District Magistrate Bathinda on the inquiry from the Senior Superintendent of Bathinda has rejected the request of the petitioner while observing as follows:-

*‘The convict can indulge himself into smuggling of
intoxicants. Therefore, it can be threat to state security and
public order. Apart from it there is also apprehension of him
getting absconding during the parole period.’*

3. Learned counsel for the petitioner submits that the petitioner has been convicted in FIR No.98 dated 19.08.2020 under Sections 22 & 29 of the NDPS Act and sentenced to undergo imprisonment for 15 years and to pay fine Rs.1.50 lacs in default of payment of fine to further undergo RI for

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1 ½ years. The petitioner has undergone an actual sentence of 03 years and 05 months as per custody certificate dated 31.01.2024 (Annexure R-1) and there is no other case registered against the petitioner.

4. Learned State counsel while referring to the reply filed by the respondents submits that the petitioner has been involved under the NDPS Act and his case of parole has been rejected as there is likelihood to commit another offence.

4. Heard.

5. The petitioner has been convicted in the aforementioned case and he is not involved in any other criminal case. It is difficult to comprehend as to how respondents have arrived at the conclusion that the petitioner is likely to commit another offence especially when he is involved only in one such case. It is necessary for the petitioner to maintain his contact with the society which would facilitate his reformation as responsible citizen at the time of his release. It would be in the interest of justice if the petitioner is granted parole for a period of 06 weeks. Therefore, the impugned order rejecting the application of the petitioner is unsustainable.

6. Consequently, the petition is allowed and the impugned order dated 20.12.2023 (Annexure P-4) passed by respondent No.5 is set aside. The petitioner shall be granted parole for a period of 06 weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority. He shall surrender before the concerned Jail by 05:00 p.m. after expiry of period of 06 weeks from date of his release.

Pending application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

21.02.2024

Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No