

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CRWP No.1462 of 2024
Date of Decision: 14.03.2024

GURWINDER SINGHPetitioner

Vs
STATE OF PUNJAB AND OTHERSRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Articles 226/227 of the Constitution of India, prayer has been made for the issuance of a writ in the nature of mandamus directing the respondents to grant eight weeks parole to the petitioner on the ground that he intends to meet his family members.
2. Reply by way of affidavit of Satnam Singh, Superintendent Central Jail, Ferozepur on behalf of respondent Nos.2, 3 and 5 has been filed in Court. The same is taken on record.
3. Having been tried in FIR No.66 dated 09.07.2019 registered under Sections 22/61/85 of NDPS Act, 1985 at Police Station City Zira, District Ferozepur, the petitioner was convicted and sentenced for a period of 10 years vide order dated 18.01.2023 passed by the Judge, Special Court, Ferozepur.
4. Having been completed 01 year of his sentence, the petitioner moved an application for grant of 08 weeks parole so as to meet his family members, however, the said prayer was rejected by respondent No.3 vide order dated 29.12.2023.

5. Impugning the aforesaid order dated 29.12.2023, learned counsel for the petitioner submits that the petitioner is only male member in the family as his father is no more and there is no one else to look after the old mother besides wife of the petitioner and two kids aged about 06 and 03 years.

6. The prayer made on behalf of the petitioner has been opposed by learned State counsel while referring to the involvement of the petitioner in two more cases of NDPS Act i.e. in FIR No.3/2020 under Section 21 of NDPS Act, P.S. Zira and FIR No.13 dated 01.02.2021 under Section 21(B) and 29 of NDPS Act, P.S. Kot Ise Khan, Moga. There is apprehension that the petitioner would indulge in similar kind of activity the moment he is granted benefit of parole.

7. I have heard learned counsel for the parties and gone through the contents of the paper book.

8. In the present case, post his conviction vide order dated 18.01.2023, the petitioner has already undergone sentence for a period of 01 years and 02 months and as per averments made in the present petition as regards that the petitioner intends to meet his mother, wife and two minor children, the same have not been controverted by learned State counsel. As such, especially there being no threat to the peace and security of the State as recorded in the communication dated 23.08.2023 made by the office of Superintendent of Police, Moga to the office of District Magistrate, Moga, the involvement of the petitioner in two cases under the provisions of NDPS Act, wherein he is already on bail cannot be made the sole ground to reject the prayer made by him for his release on parole as the same would defeat the object and intent of Section 3(1)(d) of Punjab Goods Conduct Prisoners (Temporary Release) Act, 1962.

9. In view of above, the present petition is allowed and the petitioner is ordered to be released on parole for a period of 04 weeks from the date of his

CRWP No.1462 of 2024

2024:PHHC:036963

release, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate. On expiry of the period of 04 weeks of parole period, the petitioner would surrender himself before the Jail Authorities.

March 14, 2024

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No