

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-6895-2023
Date of Decision:18.03.2024

Pawan Kumar ...Petitioner

vs.

State of Punjab and Others ...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Satinder Kumar Garg, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Article 226/227 of the Constitution of India with a prayer to direct the respondents to release the petitioner on parole for a period of 08 weeks to meet his mother and other family members.
2. Learned counsel for the petitioner contends that a FIR No.126 dated 23.07.2018 under Section 15 of NDPS Act, Police Station Lalru, District SAS Nagar, Mohali was ordered to be registered against the present petitioner. Vide the judgment and order dated 07.03.2022, the petitioner was convicted and was sentenced to undergo RI for ten years. Learned counsel for the petitioner contends that the petitioner is in custody since 07.02.2022 and has undergone RI for 10 years. Learned counsel for the petitioner contends that the petitioner is in custody since 07.02.2022 and has undergone total custody of about 36 months. Learned counsel further contends that in view of the provisions contained in Section 3 (1)(d) read with Section 2 (b) of the Act

of 2018, the petitioner is entitled to meet his family members. Learned counsel for the petitioner contends that the Superintendent, Central Jail, Patiala has also recommended the case of the petitioner for grant of parole. Still further, the District Magistrate, Panchkula also recommended the parole of the petitioner. He further contends that even the local Panchayat had also certified that there was no threat to the peace and law and order to the society, in case the petitioner is ordered to be released on parole. However, the petitioner has not been ordered to be released on parole in the present case.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner and prayed that the present petition may be ordered to be dismissed.

5. I have heard the learned counsel for the parties.

6. The provisions of the "Act" clearly provides for temporary release of the prisoners for good conduct on certain conditions as enacted by the legislature of the Punjab. The temporary release is granted on certain conditions as envisaged by the provisions of Section 3 of the Act; besides, temporary release on furlough is granted in terms of Section 4 of Act. Certain exceptions, have been provided by the Act, but the case of the petitioner does not fall under the said category. In fact, meeting once family is one of the most important facets of right to life and the ground for parole is legal and valid and in accordance with provisions of law. Consequently, the present petition is allowed and the petitioner is ordered to be released on parole for a period of two weeks from the date of release on his furnishing requisite personal and surety bonds to the satisfaction of the District Magistrate concerned and the said District Magistrate can also impose such conditions,

as may be considered necessary to secure the presence of the petitioner in jail after the parole period is over and to ensure that the temporary release is not misused by securing the bond of mandatory good conduct with a clear stipulation that in case the petitioner commits any offence during his period of temporary release, his release warrants would be cancelled as provided under Rule 4 of the Punjab Good Conduct Prisoners’ (Temporary Rules)1963.

18.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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