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

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CRWP-6192-2024 (O&M)
Date of decision: 22.08.2024

Lachhman Singh @ Babbu**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. J. S. Dhaliwal, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Articles 226/227 of the Constitution of India read with Section 3(2) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (*for short 'Act, 1962'*), the petitioner has made prayer for issuing in the nature of mandamus thereby directing the respondents to release him on temporary parole for a period of 08 weeks.

2. The petitioner has been convicted in case arising out of FIR No. 48 dated 05.07.2015, registered under Sections 15 and 25 of the NDPS Act, 1985 at Police Station Jaurkian, District Mansa and is undergoing rigorous imprisonment for a period of 06 years. He has filed an appeal against the judgment of conviction dated 23.02.2023 before this Court, which is pending.

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3. It is submitted by learned counsel for the petitioner that he is the only male member in his family. There is no one in the family to take care of the old parents of the petitioner. In order to take care of his old aged parents and for the purpose of repair of his house, the petitioner had made prayer for extending benefit of temporary parole to him for a period of 08 weeks by moving an application before respondent No. 3-Superintendent, District Jail, Mansa. The same was sent to respondent No. 4-Deputy Commissioner-cum-District Magistrate, Bathinda, who, vide order dated 09.05.2023, rejected his prayer. Learned counsel for the petitioner has made prayer for allowing this petition and extending the benefit of parole for a period of 08 weeks to the petitioner.

4. The respondents have filed reply submitting therein that the parole case of the petitioner was rejected by respondent No. 4 on receipt of non-recommendation report from the Superintendent of Police, Bathinda to the effect that during his parole period, the convict could involved in drug smuggling activity, which might hamper the peaceful process of upcoming general elections for Lok Sabha. A copy of order dated 09.05.2023, passed by respondent No. 4, has also been annexed with the reply.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. Section 3 of the Act, 1962 provides for temporary release of any prisoner on being satisfied of the circumstances as mentioned therein and for the period as mentioned in Section 3 sub-section (2) of the Act, 1962. In the instant case, prayer made by the petitioner for temporary release on parole for

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a period of 08 weeks had been declined by respondent No. 4 only on the ground that if released on parole, he might again smuggle drugs and influence the upcoming general elections for Lok Sabha. The election for Lok Sabha have already taken place. There is no basis for the plea as taken in the impugned order that the petitioner may smuggle drugs if extended benefit of temporary release on parole. It is not the case of the respondents that he is not otherwise entitled to be extended the said benefit. It is well settled that it is necessary for a convict to maintain his contact with society so as to enable his reformation and transform him into a responsible citizen on his release. In view of this discussion, it is held that this petition deserves to be allowed. The same is accordingly allowed.

7. The respondents are directed to release the petitioner on temporary parole of a period of 06 weeks from the date of his release from jail, subject to his furnishing sufficient bonds in terms of statutory provisions to the satisfaction of the competent authority, who would also impose requisite conditions to ensure that the temporary release is not misused. The petitioner shall also undertake to maintain peace and good behavior during this period. He shall surrender back to jail after expiry of the period of his temporary parole.

22.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No