

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

Sr. No.227

CRWP-8230-2023 (O&M)
Date of decision : 26.02.2024

Sarabjit Singh @ Saba

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

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

Present: Mr. Vishal Khatri, Advocate for the petitioner.

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

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 25.07.2020 (Annexure P-2) passed by respondent No.2 whereby his application for release on parole has been rejected.

2. Learned counsel for the petitioner submits that the petitioner has been convicted in FIR No.21 dated 08.03.2015 under Section 22 of the NDPS Act and sentenced to undergo imprisonment for 12 years and to pay fine of Rs.1 lac. It is alleged that recovery of 270 grams of Diphenoxylate Hydrochloride has been effected from him. He further submits that the petitioner was involved in another case under the NDPS Act wherein recovery of 130 grams narcotic powder was allegedly effected from him but sentence in that case has been suspended by Single Bench of this Court in CRM-12596-2019 in CRA-S-4347-SB-2018 on 07.04.2022. The petitioner has undergone an actual sentence of over 08 years which includes the period of 03 years in the instant case.

3. Learned State counsel has referred to the reply filed by the respondents wherein it is stated that the Senior Superintendent of Police, Tarn Taran, has submitted the report that the petitioner can indulge in

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smuggling and may abscond and has rejected the case of the petitioner for release on parole.

4. Heard.
5. The petitioner has been convicted under Section 22 of the NDPS Act and sentenced to undergo imprisonment for 12 years. He has undergone an actual sentence of over 08 years which includes the sentence of over 03 years in the instant case. He was involved in another case under the NDPS Act in which he had been granted the concession of suspension of sentence. The petitioner has sought his release on parole to meet his wife and four children. 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 25.07.2020 (Annexure P-2) passed by respondent No.2 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 in the concerned Jail by 05:00 p.m. after expiry of period of 06 weeks from the date of his release. The SHO Tarn Taran shall be informed at the time of release of the petitioner. The petitioner shall furnish his mobile number to the SHO and shall keep his mobile’s location on during the period of parole.

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

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

26.02.2024
Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No