

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

Sr. No.227

CRWP-8194-2023 (O&M)
Date of decision : 14.02.2024

Tarif @ Mubarak Ali

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

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

Present: Mr. H.S. Jaswal, Advocate, for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 25.05.2023 (Annexure P-1) passed by respondent No.1 whereby his application for regular parole for 10 weeks has been rejected.

2. Learned counsel for the petitioner submits that the petitioner has been convicted in FIR No.412 dated 21.10.2018 under Section 22 of the NDPS Act and sentenced to undergo imprisonment for 14 years and to pay fine of Rs.1 lac, in default of payment of fine to further undergo imprisonment for six months. It is alleged that recovery of 2800 capsule of Parvon-Spas Plus (Tramadol HCL) and 900 tables of Alprazolam has been effected from him. The petitioner has undergone an actual sentence of 04 years and 09 months and a case under NDPS Act was registered against him but he is acquitted in that case.

3. Learned State counsel while referring to the reply filed by the respondents submits that the case of the petitioner for release on parole had been rejected as adverse report had been received from the District Magistrate, Saharanpur (U.P) and Superintendent of Police, Saharanpur that on his release, the petitioner is likely to smuggle illegal drugs.

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5. The petitioner had been convicted under Section 22 of the NDPS Act and sentenced to undergo imprisonment for 14 years. He has undergone an actual sentence of 04 years, 08 months and 24 days as per custody certificate (Annexure R-1). He was involved in another case under the NDPS Act in which he had been acquitted by the trial Court on 28.10.2022. It is stated that at present, there is no other case against the petitioner besides the instant case wherein he has been convicted. The apprehension expressed by the District Magistrate, Saharanpur that he is likely to commit another offence appears to be without any foundation. 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 05 weeks. Therefore, the impugned order rejecting the application of the petitioner is unsustainable.

6. Consequently, the petition is allowed and the impugned order dated 25.05.2023 (Annexure P-1) passed by respondent No.1 is set aside. The petitioner shall be granted parole for a period of 05 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 a period of 05 weeks from his release.

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

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

14.02.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No

