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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-8375-2024 (O&M)

Date of decision: October 18, 2024

Parveen

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON’BLE MR. JUSTICE SUDHIR SINGH
HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sushil Sheoran, Advocate for the petitioner.

Mr. Ravish Kaushik, Additional AG Haryana.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed under Article 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of Certiorari for quashing impugned order (Annexure P-2) passed by respondent No.3 and for granting ten weeks’ regular parole to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is a convict in FIR No.388 dated 04.08.2017 under Section 20 of the NDPS Act, registered at Police Station Sadar Dadri, District Charkhi Dadri. He has been convicted and sentenced for 15 years. He further submits that the petitioner has preferred an appeal against his said conviction/ sentence before this Court, which is pending adjudication.

2.1. Learned counsel submits that father of the petitioner is 82 years old and his mother and younger brother have already expired. There is no one else to take care of his old age father, who is a patient of Asthama.

2.2. Learned counsel submits that vide impugned order (Annexure P-2), parole of the petitioner for 10 weeks has been rejected.

3. Vide order dated 30.08.2024, while issuing notice of motion, learned State counsel was directed to file a response.

4. Today on the resumed hearing, learned State counsel does not controvert the factual position. He submits that the case of the petitioner for grant of parole was rejected on the basis of report of the Superintendent of Police, Charkhi Dadri, as there was possibility of petitioner's absconding and creating hindrance in the Lok Sabha Election-2024. He however, submits that now the Lok Sabha Election-2024 is over.

5. We have heard learned counsel for the parties and have gone through the case file.

6. Concededly, the father of the petitioner is 80 years old and the petitioner seeks parole to look after his father. The case of the petitioner for grant of parole was rejected on the ground that he might create hindrance in Lok Sabha Election-2024, and possibility of his absconding from parole. The said elections are over now.

7. In view of the above, we set aside the impugned order (Annexure P-2) and grant 08 weeks' parole to the petitioner commencing from the date of release, subject to his furnishing bonds to the satisfaction of the competent authority/Duty Magistrate. The period of 08 weeks shall be counted from the date of his release. The releasing Court/ Duty Magistrate shall also notify the dates of release and surrender of the petitioner. The petitioner shall surrender

before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate. After surrender, the petitioner shall furnish a surrender certificate. The State counsel shall also file a report apprising this Court about the surrender of the petitioner.

8. With the aforesaid observations/ directions, the instant petition is disposed of.

9. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

October 18, 2024

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No