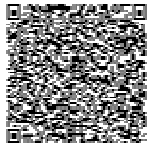


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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

229

CRWP-8458-2024 (O&M)
Date of decision: 22.11.2024

Nishan Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

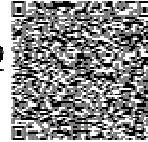
Present:- Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

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, the petitioner has made prayer for issuing a writ in the nature of Certiorari for quashing of order dated 07.11.2023, passed by respondent No. 3, whereby his application seeking release on temporary parole for 08 weeks to meet his family members had been dismissed. It is also prayed by him that official respondents be directed to release him on temporary parole for the aforesaid period on the on the said ground.
2. Learned counsel for the petitioner has submitted that the petitioner had been convicted for commission of offence punishable under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and sentenced to undergo rigorous imprisonment for a period of 10 years in case arising out of FIR No. 25 dated 23.05.2015, registered under Section 21 of the NDPS Act at Police Station Khemkaran, District Tarn Taran. He has filed an appeal before this Court, which is pending

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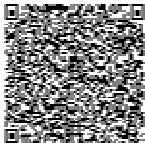
adjudication. The petitioner had moved an application for grant of temporary parole for 08 weeks but the same has been declined by respondent No. 3 by passing the impugned order. The petitioner had earlier filed a criminal writ petition before this Court, bearing number **CRWP-709-2024**, challenging the impugned order but he had withdrawn the same with liberty to approach the authority concerned. However, he was not aware of the fact that once his application stood rejected by the authority concerned, he could not move any fresh application for grant of parole within a period of one year. It is further argued that since the petitioner wants to meet his family members, he is required to be granted temporary parole for the aforesaid period. It is, thus, urged that the petition deserves to be allowed.

3. Short reply by way of affidavit of Deputy Superintendent of Police, Sub Division Valtaha has been filed, which is available on record. It is submitted therein and learned State counsel has argued that there is no infirmity or illegality in the impugned order as the same has been passed while considering the criminal antecedents of the petitioner and the fact that there were chances of the petitioner's absconding. Hence, it is urged that the petition is liable to be dismissed.

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

5. Admittedly, the petitioner has been convicted and sentenced for a period of 10 years as mentioned above. A perusal of the reply reveals that apart from the aforesaid FIR No. 25, the petitioner is involved in two more FIRs under the NDPS Act, whereby huge quantity of heroin was recovered from him. This Court has also perused the impugned order and it is revealed

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that earlier the petitioner was granted parole for a period of 08 weeks i.e. from 04.10.2022 to 30.11.2022. While passing the impugned order, respondent No. 3 has also expressed apprehension of petitioner’s absconding keeping in view his criminal antecedents. This Court is of the similar opinion. More so, the ground taken by the petitioner i.e. to meet his family is not sufficient to grant him temporary/emergency parole. Keeping in view the aforesaid facts and circumstances, this Court finds no infirmity or illegality in the impugned order. Hence, the present petition stands dismissed.

22.11.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>