



CRWP-9025-2024

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

(278)

CRWP-9025-2024

Date of Decision : 14.10.2024

Satnam Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gautam Kumar Advocate for
Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant criminal writ petition, as filed under Article 226 of the Constitution of India, a prayer is made for quashing of letter No.542/Peshi-1, dated 16.07.2024 (Annexure P-1), whereby, the application moved by the petitioner for releasing him on parole for 08 weeks to meet his family, has been declined.

2. The petitioner has been convicted by the learned Judge, Special Court, Patiala, through drawing a verdict of conviction and order of sentence on dated 28.09.2023, in case FIR No.43, dated 18.03.2021, under Sections 22 of the NDPS Act, registered at Police Station Shambhu, District Patiala. Consequent to the drawing of the verdict of conviction, the petitioner has been sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs.1,00,000/-

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3. While undergoing the sentence (*supra*), as imposed upon him, the petitioner applied for grant of parole for 08 weeks, however, the respondent No.4, through drawing Annexure P-1, which encompasses the order dated 16.07.2024, declined the request of the petitioner for being released him on parole.

4. Reply dated 14.10.2024, by way of affidavit of Mr. Varun Sharma, Superintendent Central Jail, Patiala, on behalf of the respondents No.1, 2 and 4, furnished by learned State counsel today in the Court. The same is ordered to be taken on the record.

5. A bare glance at the order dated 16.07.2024 (Annexure P-1) makes revelations that the decision to decline parole to the petitioner was anchored upon a report made by the District Magistrate, Patiala, and Assistant Commissioner, Patiala, wherein, an apprehension *qua* the petitioner in indulging in the business of drugs, in case he is released on parole, was expressed.

6. The above assigned reason appears to be an ill-informed reason, as it is not supported by any cogent evidence. If so, without existence of the above tangible evidence on record, the respondent No.4, who drew the order (Annexure P-1), could not draw it, whereby, it rejected the claim for parole, as preferred before it by the petitioner.

7. In view of what has been stated above, this Court deems it fit and appropriate not to curtail the liberty of the petitioner.

8. In sequel, after allowing the present petition, the petitioner is ordered to be released from the prison concerned, by the Superintendent of the prison concerned, from the period commencing from the morning of 15.10.2024 to the evening of 09.12.2024. On expiry of the above term of

parole, the petitioner shall forthwith re-step into the prison concerned and if he does not do so, thereupon the SHO of the jurisdictional police station concerned shall forthwith arrest the petitioner and thereafter, shall produce him before the learned Judicial Magistrate concerned.

9. Personal surety bonds comprised in a sum of Rs.50,000/- are ordered to be furnished by the petitioner, before the learned Magistrate concerned.

10. The petition is **allowed** in the above terms.

(KULDEEP TIWARI)
JUDGE

October 14, 2024
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No