

**CRWP-9177-2024 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****313****CRWP-9177-2024 (O&M)****Decided on : 05.12.2024****JASWINDER SINGH ALIAS GORA**

... Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**PRESENT:** Mr. Bandana Trikha, Advocate
for the petitioner through video conferencing.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition has been filed under Article 226 of the Constitution of India seeking direction to the respondents to consider and decide his application for an eight-weeks regular parole, recommended by the Superintendent Jail, Patiala, on 08/07/2024 and his application is pending with the District Magistrate, Patiala.

2. Learned counsel for the petitioner submits that the petitioner has been convicted in FIR No.115 dated 21.07.2020 under Section 20 of the NDPS Act and sentenced to undergo rigorous imprisonment for 10 years and to pay fine of Rs.1 lac, in default of payment of fine to further undergo imprisonment for four months. The petitioner has undergone an actual sentence of 04 years, 03 months and 22 days as on 18.11.2024 and since his conviction in this case, he has not availed parole or furlough. She further submits that the petitioner had availed parole for a period of 04 months and 09 days in year 2017/2018 and he surrendered on time.

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3. Learned State counsel while referring to the reply dated 18.11.2024 filed by the respondents submits that the case of the petitioner for release on parole had been rejected vide order dated 04.11.2024 as adverse report had been received from Senior Superintendent of Police, Patiala that on his release, the petitioner is likely to smuggle illegal drugs.

4. Heard.

5. The petitioner had been convicted under Section 20 of the NDPS Act and sentenced to undergo imprisonment for 10 years. He has undergone an actual sentence of 04 years, 03 months and 22 days as per custody certificate dated 18.11.2024 (Annexure R-1). It is stated that at present, there is one other case against the petitioner in which he has been released on bail. The apprehension expressed by the District Magistrate, Patiala that he is likely to engage in illegal smuggling of drugs is 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 04 weeks. Therefore, the impugned order rejecting the application of the petitioner is unsustainable.

6. Consequently, the petition is allowed and the impugned order dated 04.11.2024 passed by respondent No.2 is set aside. The petitioner shall be granted parole for a period of 04 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 04 weeks from the date of his release.

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

(KIRTI SINGH)
JUDGE

05.12.2024

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*