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In the High Court of Punjab and Haryana at Chandigarh

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Date of Decision: 06.11.2024

GAGANDEEP SINGH @ GAGAN

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

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

Present: Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Aftab Singh Khara, Sr. DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking directions to the respondents for grant of parole to the petitioner.

2. Learned counsel for the petitioner submits that the case of the petitioner has been erroneously rejected solely on the ground that the petitioner can abscond while on parole and he may indulge in narcotic business. He further submits that the petitioner has been convicted in FIR No.77 dated 07.10.2019 and sentenced to undergo RI for 12 years along with fine of Rs.1,00,000/- under Section 21(c) of the NDPS Act. While he was in custody as an undertrial, he was involved in FIR No.22 dated 12.01.2022 under Sections 22-A/61/85 NDPS and Sections 42/52-A of the Prisons Act, but he is on bail in

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that case. The petitioner has also been involved in another FIR No.422 dated 04.09.2022 under Sections 42 and 52-A of the Prisons Act wherein he had been released after payment of fine.

3. Learned State counsel while referring to the impugned order submits that the case of the petitioner has been rejected as he was convicted under NDPS Act. He further submits that the allegations against the petitioner were that he was found in possession of 810 grams of heroin. He also submits that the petitioner is involved in other cases, therefore, he could not be granted concession of parole.

4. Heard.

5. The petitioner has been convicted in FIR No.77 dated 07.10.2019 and sentenced to undergo RI for 12 years along with fine of Rs.1,00,000/- under Section 21(c) of the NDPS Act. The petitioner is stated to be involved in two more cases but he was in custody at that time. He has been granted bail in one case while he has been released after payment of fine in another case. The petitioner has undergone an actual sentence of 04 years, 09 months and 12 days. It is necessary for the convict to maintain his contact with the society which would facilitate his reformation and turn him into a responsible citizen at the time of his release. The impugned order has been passed solely on the ground of his conviction under the NDPS Act which is untenable and unsustainable.

6. Consequently, the petition is allowed and the impugned order is set aside. The petitioner would be released on parole for a period of 06 weeks



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subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and on expiry of 06 weeks, he shall surrender to the concerned jail.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

06.11.2024
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Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No