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

CRWP-10983-2024 (O&M)

Date of decision: December 19, 2024

Manpreet Singh

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Kuljit Singh, Additional AG Punjab.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed under Article 226/227 of the Constitution of India read with Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short 'the Act') seeking directions to the respondents to grant 08 weeks' parole to the petitioner to enable him to meet his family members and make arrangements for their basic needs.

2. Learned counsel for the petitioner submits that the petitioner has been convicted and sentenced to undergo rigorous imprisonment for a period of 15 years for commission of offence punishable under Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') vide judgment and order dated 21.09.2023 passed by learned Judge,

Special Court, Ludhiana. He preferred an appeal against aforesaid judgment and order before this Court, which is pending adjudication.

2.1. Learned counsel submits that the petitioner had applied for grant of eight weeks' parole. The Superintendent of Jail, Ludhiana (respondent No.4), vide its letter dated 06.07.2024, forwarded the case of the petitioner for grant of parole to the District Magistrate, District Tarn Taran (respondent No.2). Thereafter, mother of the petitioner filed CRWP-8750-2024 seeking 08 weeks' parole of the petitioner, which was disposed of vide order dated 09.09.2024 directing the authority concerned to pass appropriate order, in accordance with law.

2.2. Learned counsel for the petitioner further submits that vide impugned order dated 04.11.2024 (Annexure P-1), respondent No.2 rejected the application of the petitioner for grant of parole.

3. On the other hand, learned State counsel submits that a reply by way of affidavit dated 08.12.2024 has already been filed on behalf of respondents No.1 to 4. He submits that on the basis of report of the Senior Superintendent of Police, Tarn Taran, respondent No.2-District Magistrate, District Tarn Taran rejected the application of the petitioner for grant of parole.

4. We have heard learned counsel for the parties and perused the case file.

5. Earlier, the criminal writ petition filed by the mother of the petitioner was disposed of vide order dated 09.09.2024 by a Coordinate Bench of this Court, with direction to the authority concerned to pass an appropriate order in accordance with law. Subsequently, vide impugned order

dated 04.11.2024 (Annexure P-1), the case of the petitioner for grant of parole has been rejected. Relevant part of said impugned order reads thus:-

“xx xx xx xx

The Senior Superintendent of Police, Tarn Taran submitted a detailed report vide letter no. 47746/E.B dated 18-09-2024 that prisoner Manpreet Singh S/o Gurdev Singh is undergoing 15 years imprisonment in Central Jail, Ludhiana in FIR No.103 dated 12-08-2018 offenses u/s 21 and 25 of the NDPS Act, 1985 under which 04 Kg Heroin was recovered. The prisoner till now has served sentence of 10 Months 29 Days. The prisoner Manpreet Singh S/o Gurdev Singh on parole release can indulge in the business of selling drugs. There is also apprehension that the prisoner may abscond during the parole release. Hence, Senior Superintendent of Police Tarn Taran had not recommended the 8 week parole case of above mentioned prisoner.

The Hon'ble Punjab & Haryana High Court, Chandigarh has passed the order in CRWP 8750 of 2024 titled as Paramjit Kaur Versus State of Punjab & Others on dated:09.09.2024 as following:

“Considering the same and without commenting upon the merits of the case, the Authority concerned is directed to pass appropriate order in accordance with law within a period of 04 weeks from the date of receipt of certified copy of this order.”

Thus, in the light of facts mentioned in the enquiry report and on the basis of not recommendation of parole release by Senior Superintendent of Police Tarn Taran, 08 week parole case of prisoner no. 4808/41 Manpreet Singh S/o Gurdev Singh residence of village Hansawala PS Goindwal Sahib, District Tarn Taran is hereby rejected.”

6. Perusal of the aforesaid impugned order shows that the case of the petitioner for grant of parole was rejected on the basis of verification report sent by the Senior Superintendent of Police, Tarn Taran whereby, it was reported that 04 Kg. Heroin was recovered from the petitioner/convict and accordingly, he has been convicted and sentenced for 15 years. In case, the petitioner is released on parole, he may indulge in the business of selling drugs, and also an apprehension of petitioner going abscond.

7. In view of the fact that offence committed by the petitioner is grave in nature and in case, he is released on parole, there is an apprehension of his indulging in the business of selling drugs and gone abscond as well, therefore, no case for interference is made out.
8. Dismissed.
9. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

December 19, 2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No