

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

251 CRWP-12091-2023
Date of Decision: 23.01.2024

Gurdeep Singh alias Gora ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. H.S. Sullar, Sr. DAG, Punjab.

ANUPINDER SINGH GREWAL , J.(Oral)

1. The petition has been filed challenging the order dated 30.03.2022, whereby the application for grant of parole filed by the petitioner, has been rejected.
2. Learned counsel for the petitioner has contended that the petitioner has been convicted and sentenced vide judgment dated 02.12.2020 in FIR No.335 dated 18.11.2017, under Sections 21/25/29/61/85 of NDPS Act and 25 of the Arms Act and 66(D), 66(F) of Information and Technology Act, registered at Police Station Sadar Ferozepur, to undergo imprisonment along with fine as under :-

Section(s)	Sentenced to R.I.	Fine	In default of payment of fine
21 of the NDPS Act	20 years	Rs.2,00,000/-	R.I.for one year
25 of the Arms Act	03 years	5,000/-	R.I. for 15 days

The trial Court had directed that all the sentences would run concurrently.

3. Learned counsel for the petitioner has submitted that the petitioner has undergone an actual sentence of six years. The petitioner was undergoing the sentence in the afore noted case, whereas he was also involved in another case under Section 29 of the NDPS Act. The petitioner had been granted bail in that case i.e. FIR No. 109 dated 03.09.2022, under Section 15/18/21/22 NDPS Act, 4/5 Explosive Act, 10/11/12 of Air Craft Act, 304 IPC later added, 29 NDPS Act, Police Station Chohla Sahib, District Tarn Taran. He submits that his wife and a minor child are staying at home and he has not met them for six years.

4. Reply by way of affidavit of Superintendent, Central Jail, Faridkot has been filed and is taken on record.

5. Learned counsel for the State while relying upon the reply submits that as the petitioner is involved in several cases, including under NDPS Act, his application for grant of parole has been rejected.

6. Heard.

7. The petitioner has been convicted in a case under NDPS Act and sentenced to undergo imprisonment for 20 years. While he was undergoing sentence in that case, he was also involved in another case under Section 29 of the NDPS Act, wherein he has been granted concession of bail. The petitioner has undergone an actual sentence of six years. Although in the reply, it is stated that in view of the heavy recovery effected from the petitioner, he has been denied parole but the nature of the recovery is not set out therein. In any event, the petitioner has undergone an actual sentence of six years. He has a wife and minor child to look after. It is necessary for a convict to maintain his contact

with the society which would enable his reformation and transform him into a responsible citizen on his release. The impugned order is unsustainable.

8. Consequently, the petition is allowed and the impugned order is set aside. The respondents are directed to release the petitioner on parole for a period of four weeks on his furnishing bonds to the satisfaction of the concerned authority. At the time of his release, the SHO, Police Station Chohla Sahib, District Tarn Taran would be informed and the petitioner would furnish his mobile number and keep his mobile location on, during the period of parole. On the expiry of period of parole of four weeks, the petitioner is directed to surrender before the jail authorities by 5:00 PM.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

23.01.2024
Satyawan

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