

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARHSr. No.265CRWP-12174-2023 (O&M)
Date of decision : 21.02.2024

Jasvir Singh @ Jassa

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH****Present: Mr. Gurveer Singh Sidhu, Advocate, for the petitioner.****Mr. Aftab Singh Khara, Sr. DAG, Punjab.**

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner who is undergoing rigorous imprisonment of 15 years in case FIR No.80 dated 28.06.2020 under Section 22 of the NDPS Act, Police Station City Rampura, District Bathinda has filed the instant petition praying for his release on parole for the purpose of meeting his family members and for some house hold work including taking care of his aged parents.

2. Vide order dated 26.10.2023, the District Magistrate Bathinda on the inquiry from the Senior Superintendent of Bathinda has rejected the request of the petitioner while observing as follows:-

‘The convict can indulge himself into smuggling of narcotics on a large scale in coordination with other drug traffickers. Therefore, it can be threat to state security and public order. Apart from it there is also apprehension of him getting absconding during the parole period.’

3. Learned counsel for the petitioner submits that the petitioner has been convicted in FIR No.80 dated 28.06.2020 under Section 22 (c) of the NDPS Act and sentenced to undergo imprisonment for 15 years and to

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1 ½ years. The petitioner has undergone an actual sentence of 03 years and 06 months and there is no other case registered against the petitioner.

4. Learned State counsel while referring to the reply filed by the respondents submits that the petitioner has been involved under the NDPS Act and his case of parole has been rejected as there is likelihood of his committing another offence.

4. Heard.

5. The petitioner has been convicted in the aforementioned case and there does not appear to be any other criminal case against him. It is difficult to comprehend as to how respondents have arrived at the conclusion that the petitioner is likely to commit another offence especially when he is involved only in one such case. 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 06 weeks. Therefore, the impugned order rejecting the application of the petitioner is unsustainable.

6. Consequently, the petition is allowed and the impugned order dated 26.10.2023 (Annexure P-1) passed by respondent No.2 is set aside. The petitioner shall be granted parole for a period of 06 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 a period of 06 weeks from his release.

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

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

21.02.2024

Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No