



CRWP-11351-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

CRWP-11351-2024

Date of decision : 28.11.2024

Harpreet Singh @ Nikka

... Petitioner

Versus

State of Punjab and others

.. Respondents

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

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 04.10.2024 (Annexure P-5) whereby his application for grant of parole has been declined.

2. Learned counsel for the petitioner submits that the petitioner has been convicted under Section 21 of the NDPS Act in FIR No.176 dated 09.11.2021 and sentenced to undergo imprisonment for a period of 12 years and fine of Rs.1 lac. The petitioner has undergone an actual sentence of 02 years, 03 months and 20 days. The petitioner is also involved in another case under the NDPS Act but he is on bail in that case. He also submits that similarly situated co-convict, namely, Palwinder Singh @ Sunny has been granted the concession of parole by this Court vide order dated 16.10.2024 in CRWP No.9600-2024.

3. Issue notice to the respondents.

4. At the asking of the Court, Mr. Aftab Singh Khara, Senior DAG, Punjab, accepts notice on behalf of the respondents and submits that the case of the petitioner for grant of parole has been rightly rejected as there is apprehension that he may indulge in peddling of intoxicant/psychotropic substances as in the instant case,



CRWP-11351-2024

-2-

heroin with a total weight of 300 grams had been recovered from the petitioner. Learned State counsel has filed the custody certificate which indicates that the petitioner has undergone an actual sentence of 02 years, 03 months and 20 days and he is involved in other cases under the NDPS Act.

4. Heard.
5. The petitioner has been convicted in FIR No.176 dated 09.11.2021 and sentenced to undergo imprisonment for a period of 12 years. He has undergone an actual sentence of 02 years, 03 months and 20 days. The allegation against the petitioner is that recovery of 300 grams of heroin has been effected from him. He is stated to be involved in another case under the NDPS Act but he is on bail in that case. The petition preferred by co-convict, namely, Palwinder Singh @ Sunny had been allowed by this Court on 16.10.2024 in CRWP No.9600 of 2024. 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 (Annexure P-5) rejecting the case of the petitioner for release on parole is unsustainable and deserves to be set aside.
6. Consequently, the petition is allowed and the order dated 04.10.2024 (Annexure P-5) is set aside. The petitioner shall be released on parole for a period of 06 weeks 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

November 28, 2024
sonia gugnani

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