



CRWP-9414-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-9414-2024
Decided on: January 17, 2025

Gurpreet Singh @ Pitti

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kulwinder Singh, Advocate
for the petitioner.

Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant criminal writ petition, under Article 226 of the Constitution of India, has been filed for quashing of the order dated 22.07.2024 (Annexure P-2), vide which application of the petitioner for grant of 08 weeks parole, has been rejected. Further prayer has also been made for issuance of directions to the respondents to release the petitioner on 08 weeks parole, to enable hm to meet his minor children.
2. It is noticed from the impugned order dated 22.07.2024 (Annexure P-2), that parole to the petitioner has been denied on the basis of a report, dated 16.07.2024, received from respondent No. 3 - Senior Superintendent of Police, Mansa, wherein the said authority (respondent No. 3) had shown its doubt of committing of similar offence again, if the convict is released on parole.



3. Learned counsel for the petitioner submits that the petitioner – Gurpreet Singh @ Pitti, was held guilty for having committed the offence punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘the NDPS Act’), in case FIR No. 65, dated 11.06.2018, registered at Police City Budhlada, District Mansa. He was convicted and sentenced to undergo rigorous imprisonment of 10 years and to pay fine of Rs. 1,00,000/-, and in default of payment of fine to further undergo rigorous imprisonment of six months. Assailing the judgment of conviction, dated 15.01.2024 and order of sentence dated 16.01.2024, the petitioner has filed Criminal Appeal No. CRA-S-462-2024, in this Court (Punjab and Haryana High Court), which is pending adjudication, after its admission. The petitioner is not involved in any other case under the NDPS Act.

Further submits that the respondent authorities have drawn a misplaced apprehension because in such a case where first time offence has been recorded and the appeal is pending with arguable points, authorities cannot consider the plea with negative approach to deny the relief of parole, if any, requested by the convict.

4. On the other hand, learned State counsel has filed reply dated 16.01.2025, today in the Court, which is taken on record, and copy whereof has been supplied to the learned counsel for the petitioner. Registry to tag the same at appropriate place. Opposing the submissions made by learned counsel for the petitioner, learned State counsel reiterates the reason of declining of the request of releasing the petitioner on parole.



5. After hearing learned counsel for the parties and considering the grounds taken in the present petition, and also noticing the reason of declining of parole, I am of the considered opinion that merely on the basis of some misplaced assumption, the right of parole if any convict possesses, cannot be denied. As on date, once appeal i.e. CRA-S-462-2024, filed by the petitioner against his conviction and sentence, is pending before this Court for its consideration, even the petitioner cannot be termed as a ‘prisoner’. He is a convict in an appeal, of which proceedings are pending.

6. For the reasons discussed hereabove, the impugned order dated 22.07.2024 (Annexure P-2), is set aside and the petitioner is directed to be released on parole as per rules, for a period of eight weeks as prayed, after taking the appropriate surety bond(s) to the satisfaction of the concerned Duty Magistrate or any other concerned authority.

It is made clear that the period of 08 weeks of parole would start from the date of his release from jail.

7. Petition stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

January 17, 2025
Pkapoor

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO