



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

CRWP-12504-2024
Date of decision: 02.04.2025

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Satinder Kaur, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of parole for a period of 8 weeks to enable him to meet his family members and to look after his old age mother.

2. The counsel for the petitioner submits that the petitioner was convicted and sentenced to rigorous imprisonment for a period of 10 years under Section 21 NDPS Act by the trial Court vide judgment/order dated 02.05.2024. That as per the custody certificate submitted on behalf of the State, the petitioner has already undergone 3 years and 1 months out of total sentence of 10 years, till date and he has not committed any jail offence and during the aforesaid period, he has not availed any parole or furlough. It is further submitted that the application moved by the petitioner seeking grant of 8 weeks parole to meet his family members was declined by the competent authority vide order Annexure R-1 just on flimsy grounds that the petitioner is indulging in sale of intoxicants and if the petitioner is released on parole there is danger to the State security and there is also apprehension of breach of peace. The counsel for the petitioner further submits that the impugned order is not sustainable and deserves to be set aside.



3. The present petition is resisted by the State counsel.
4. The reply filed on behalf of the State by way of affidavit of Kulwinder Singh, Superintendent Central Jail, Goindwal Sahib was taken on record along with documents Annexure R-1 and R-2.
5. The State counsel submits that the request made by the petitioner seeking grant of parole was rightly dismissed by the District Magistrate, concerned vide order Annexure R-1. It is further submitted that petitioner is serving sentence in a criminal case registered under NDPS Act. So, there is apprehension that in case, the petitioner is temporarily released on jail, he will indulge in drug trafficking and will also cause breach of peace. However, the State counsel has not disputed the fact that as per the custody certificate furnished by the State, the petitioner has also already undergone more than 3 years and 1 months out of total sentence of 10 years. Further there is no entry to the effect that during the said period of incarceration, the petitioner committed any jail offence or misused the concession of parole/furlough.
6. From the perusal of Annexure R-1, it appears that the claim of the petitioner for grant of parole has been rejected by the competent authority on the ground that if released on parole there is apprehension of breach of peace and that the petitioner will again indulge in drug trafficking and further, his temporary release will endanger the security of the State. The impugned order Annexure R-1 does not refer to any material on the basis of which said satisfaction has been recorded by the competent authority except for police verification report received from the office of Senior Superintendent of Police, Tarn Taran. In the impugned order Annexure R-1, the competent authority failed to clarify as to under what circumstances, the temporary release of the petitioner would result in endangering the security of the State or breach of peace. The apprehension if any to the effect that in case of release of petitioner on parole, he will indulge in drug trafficking is also based merely on conjectures and surmises.
7. For the foregoing reasons, this Court is of the view that the impugned order Annexure R-1 passed by District Magistrate, Tarn Taran is



not sustainable in the eyes of law and accordingly, the same is hereby set aside. The petitioner is ordered to be released on parole for a period of 8 weeks, subject to his furnishing personal and surety bonds in sum of Rs.1.5 lac each to the satisfaction of District Magistrate, concerned and is to give further undertaking that immediately, on expiry of the aforesaid period, he shall surrender before the jail authorities concerned. The aforesaid period of 8 weeks is to be counted from the date of his release. District Magistrate concerned is to notify the date of release and date of surrender in the released order of the petitioner.

8. In case, the petitioner fails to surrender in time, thereupon the jurisdictional SHO concerned is empowered to arrest the petitioner and thereafter, produce him before the Magistrate concerned, who should send the petitioner to jail to serve the remaining sentence.

02.04.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**