



CRWP-1046-2024

1

2024:PHHC:016014

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

CRWP-1046-2024
Decided on: 06.02.2024

Nishan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Jaiteshwar S. Bhandari, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
130	07.06.2006	Sidhwan Bet	15 of NDPS Act

1. The petitioner, who is undergoing sentence in the above said FIR, seeks emergency parole to attend bhog ceremony of his father (expired on 26.01.2024), which is stated to be on 11.02.2024, by filing the present petition under Article 226/227 of the Constitution of India.

2. On 05.02.2024, when the matter was taken up, this Court had asked the State to verify factum of death of father of the petitioner. Today, the investigator Rajinder Singh, 442 Ludhiana (R), has confirmed the factum of death and also about the bhog ceremony. Although the petitioner is seeking emergency parole by filing the present writ petition, this Court in exercise of powers conferred under Section 482, coupled with the writ jurisdiction under Article 226/227 of Constitution of India, deems it appropriate to grant parole to the petitioner till 15.02.2024.

3. Petitioner's counsel prays for parole by imposing any stringent conditions. The petitioner contends that the denial of parole would cause an irreversible injustice to the petitioner and family.

4. While opposing the parole, the State does not dispute the factum of the grounds on which the petitioner is seeking parole.

5. A prisoner should not be ordinarily denied the opportunity of attending a



CRWP-1046-2024

2

2024:PHHC:016014

significant family event merely because the immediate relatives, in addition to friends and the neighbors, have become accustomed to usually caring for the family members of a person under incarceration and the family is not dependent on the prisoner. The prisoner himself not only longs for presence, cooperation, support, and even financial help of the family but is also expected by the near and dears in return for their support towards his family to reciprocate by attending their sacrosanct family functions, despite such attendance carrying the risk of social boycott or dejection.

6. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for emergency parole for a limited period i.e. upto 15.02.2024, subject to the following terms and conditions.

(a). Petitioner to furnish personal bond of Rs. Ten thousand (INR 10,000/); AND

(b) To give one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the concerned District Magistrate or any authorised Magistrate in that behalf and in case of non-availability, to any other Magistrate. Before accepting the surety, the concerned officer must satisfy that if the convict fails to surrender back in jail, then such surety can produce him before the court or jail authority.

(c). The petitioner is to also execute a bond for appearance in the concerned jail after expiry of period of parole.

(d). While furnishing personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number of an Indian citizen, (If available), when the attesting officer/court deems appropriate or considers the accused as a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

7. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within fifteen days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959,



CRWP-1046-2024

3

2024:PHHC:016014

the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offence.

8. Any Advocate for the petitioner and the Officer in whose presence the petitioner puts signatures on personal bonds shall explain all conditions of this order in any language that the petitioner understands.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

10. **The petitioner shall surrender in prison from where he was released, on or before 15.02.2024, by 2 p.m.**

11. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed in aforesaid terms. All pending applications, if any, stand disposed. The concerned Superintendent of Jail is directed to take immediate steps.

(ANOOP CHITKARA)
JUDGE

06.02.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.