

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

CRWP-4238-2021

Date of Decision:-12.05.2022

DALBIR KAUR ALIAS BIRO

... Petitioner

Versus

STATE OF PUNJAB & ORS.

... Respondent

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**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

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Present:- Ms. Tanu Bedi, Advocate as Legal Aid Counsel  
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

**KARAMJIT SINGH, J.** (Oral)

The petitioner has filed the present criminal writ petition for grant of parole to her under Sections 3 & 4 of the Punjab Good Conduct Prisoner's (Temporary Release) Act, 1963 for a period of 2 months to take care of her children.

On notice reply was filed on behalf of the State by way of affidavit of Mr. Baljeet Singh, Superintendent Central, Kapurthala as per which the case of the petitioner regarding release on parole was considered and declined by Deputy Commissioner, Saheed Bhagat Singh Nagar (SBS Nagar).

The counsel for the petitioner contends that the prayer for grant of parole was wrongly rejected by Deputy Commissioner, SBS Nagar on the basis of conjectures and surmises, by presupposing that if released on parole, the petitioner might commit similar offence or involve herself in some illegal activity as she is already facing 6 other criminal cases under NDPS Act.

The State counsel while supporting the rejection order dated 27.7.2020 passed by Deputy Commissioner, SBS Nagar contended that the petitioner is habitual offender and is facing 6 other criminal cases under NDPS Act and thus there is every likelihood of her involving in similar activities in case she is released on parole.

I have considered the submissions made by the counsel for the parties.

The petitioner is having statutory right to avail parole. The concession of parole could not be declined to the petitioner just on the ground that there is apprehension that if released, the petitioner will indulge in illegal activities or drug trafficking as she is already facing criminal cases under NDPS Act. The said apprehension was not based on any material or document except for the fact that the petitioner was already facing trial in such like cases. The assurance Annexure P-2 given by the Gram Panchayat of the village of the petitioner has been brushed aside by the District Authorities without assigning any reason. The apprehension of District Authorities that her release on parole is likely to endanger the security of the State or the maintenance of public order, seems to be imaginary and remains unsubstantiated. It is a settled principle of law that every executive decision

has to be well-reasoned. The same cannot be based on conjectures and surmises.

In view of the above the order dated 27.7.2020 passed by Deputy Commissioner SBS Nagar is bad in law and is liable to be quashed and is accordingly hereby set aside.

A direction is hereby issued to the District Magistrate concerned to reconsider the prayer of the petitioner for grant of parole and pass appropriate speaking order afresh within a period of 1 month of the receipt of the copy of this order and the decision taken thereof be conveyed to the petitioner.

Disposed of accordingly.

( KARAMJIT SINGH )  
JUDGE

12.05.2022  
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No