

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

216

CRWP-6758-2022

Date of decision : 15.09.2022

Charanjit Singh @ Rana @ Ranjit Singh

Petitioner

V/S

State of Punjab and others

Respondents

**CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. D.S. Virk, Advocate  
for the petitioner.

Mr. Vinay Kumar Gupta, Asstt. A.G., Punjab  
for the respondent-State.

\*\*\*\*

**ASHOK KUMAR VERMA, J. (ORAL)**

The petitioner has filed the present petition under Article 226 of the Constitution of India for quashing of impugned order dated 08.06.2022 passed by District Magistrate, Amritsar, whereby application filed by the petitioner for grant of 8 weeks parole under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 has been rejected.

Briefly stated the facts relevant for disposal of present petition are that the petitioner was convicted by the trial Court in case FIR No.92 dated 29.09.2012 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khalchaian, Amritsar and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.1,00,000/- and in case of default to further undergo rigorous imprisonment for 01 year. Against the conviction, the petitioner has also filed criminal appeal bearing No.CRA-S-1281-2021 in this Court which is still

pending. The petitioner approached respondent No.2 for emergency parole to look after his mother, who is seriously ill. The request of the petitioner was dismissed by respondent No.2-District Magistrate, Amritsar vide impugned order dated 08.06.2022. Aggrieved against the said order the petitioner has filed the present petition.

Learned Counsel for the petitioner has submitted that the impugned order dated 08.06.2022 was passed only on the basis of enquiry report of the Senior Superintendent of Police, Amritsar (Rural), which is totally based upon the false and baseless presumption that the petitioner can again indulge in the same trade. He further contended that in view of the provisions of Section 3(1)(aa) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the petitioner is entitled to temporary release on parole on the ground of serious illness of his mother.

On the other hand, learned State counsel has opposed the petition in terms of reply filed by way of an affidavit dated 30.08.2022 of Sh.Surinder Singh, PPS, Superintendent, Central Jail, Amritsar which is taken on record.

We have heard learned counsel for the parties.

In the reply filed by the State, there is no mention about the condition of ill mother of the petitioner. The main reason, for opposing the present petition, given by the State is that the release of the petitioner on parole could be a danger to the State security and maintenance of public order. This apprehension in itself cannot be made a ground to reject the parole of the petitioner.

A Division Bench of this Court in ***Ram Chander Vs. State***

*of Punjab and others : 2017(3) RCR (Criminal) 340*, while taking into account the judgment in *CRM-M-34013-2009 titled as 'Varun @ Gullu Vs. State of Haryana and others, decided on 26.04.2010*, had noticed that the benefits of parole and furlough are regulated by a statute and the authorities cannot act arbitrarily, capriciously or without due application of mind. Declining the request of parole or furlough only for the reason of apprehension of breach of peace, for which there is no such condition under the Act, was held not be justified.

Moreover, Section 3(1)(aa) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 permits temporary release of a prisoner on parole on the ground of serious illness of husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grandson or grand-daughter or father-in-law or mother-in-law of the prisoner.

In view of the above, the present petition is allowed. The impugned order dated 08.06.2022 passed by respondent No.2-District Magistrate, Amritsar is set aside. The respondents are directed to release the petitioner-Charanjit Singh @ Rana @ Ranjit Singh on parole subject to imposing reasonable restrictions, if any.

15.09.2022  
kothiyal

(ASHOK KUMAR VERMA)  
JUDGE

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |