

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CRWP-1126-2024

Date of decision: 12.03.2024

Angrej Singh @ Geju

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kanisth Ganeriwala, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Article 226 of the Constitution of India for quashing of order dated 05.01.2024 (Annexure P-1) and for further issuance of a writ of mandamus directing the respondents to release the petitioner on parole/temporary release for a period of 08 weeks, in accordance with law.

2. On being put to notice by this Court on 08.02.2024, learned State counsel has filed reply by way of affidavit of N.D. Negi, Superintendent, Central Jail, Bathinda on behalf of respondents No.1 and 3 in the Court today which is taken on record subject to all just exceptions. A copy thereof has been supplied to the counsel opposite.

3. While drawing the attention of this Court to the reply filed, learned State counsel has submitted that the petitioner is serving a sentence of 10 years in case FIR No.210 dated 23.11.2019 registered under Sections 21, 29 of the NDPS Act at Police Station Sadar, Bathinda. Learned State counsel has further drawn the attention of this

Court to Annexure R-2/T and submitted that respondent No.2-District Magistrate, Bathinda vide his office letter dated 05.01.2024 has denied the benefit of parole to the petitioner on the basis of a report received from the Senior Superintendent of Police, Bathinda; as per the report in case the petitioner is granted the benefit of parole, he could again indulge in smuggling of narcotics and could also pose threat to State security and maintenance of public order; besides there is also an apprehension that the petitioner could abscond during parole.

4. Learned counsel for the petitioner has inter alia vehemently contended that respondent No.2-District Magistrate had vide order dated 05.01.2024 arbitrarily rejected his case for parole only due to his conviction in a case under the NDPS Act and unsubstantiated apprehension that he could abscond during parole, and could also be involved in smuggling of narcotics. Learned counsel has, thus, asserted that the impugned order dated 05.01.2024 on the face of it is totally cryptic, non-speaking and based totally on assumptions as no valid justification or supporting material has been presented by the Senior Superintendent of Police from which it could be even remotely discerned that in case the petitioner is extended the benefit of parole, there could be a breach of public peace and State security could be threatened. Learned counsel has still further asserted that even the village panchayat had given an assurance qua the good conduct of the petitioner, during his parole period, which fact also stands noticed in the reply which has been filed today by the learned State counsel. In support, learned counsel has placed reliance upon Arun Kumar Vs. State of U.T., CRWP No.3196 of 2022, wherein a Division Bench of

this Court had affirmed that granting parole is a component of rehabilitative process. Denial of parole has to be supported by solid reasons and mere speculation about some potential breach of peace or likelihood of the convict committing further offences or absconding without there being any material to support the speculation of the authorities would be an insufficient ground to reject a parole application of a convict. Learned counsel has still further vehemently submitted that it is a matter of record that after the petitioner was sentenced in the case in question and taken into custody on 23.11.2019, he had exhibited good conduct throughout his incarceration, and had not been involved in any other criminal activities nor was he involved in any other criminal case much less under the NDPS Act. A prayer has, thus, been made in the aforementioned facts and circumstances for allowing the instant petition subject to imposition of any stringent conditions.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Denying parole solely based on generalised assumptions, such as the possibility of the convict indulging in illegal activities upon release or yet again committing the same offence cannot be justified. It cannot be overemphasized that parole serves as a crucial tool in the criminal justice system, aiming to facilitate the gradual reintegration of prisoners into society and to promote their rehabilitation. The Legislative intent behind the provisions of parole extends beyond mere release from incarceration; it embodies a multifaceted multifarious approach aimed at addressing various societal and individual needs for

example, fostering familial bonds and fulfilling duties towards one's family. Reference can be made to the observations of Hon'ble the Supreme Court in *Asfaq Vs. State of Rajasthan and others : 2018(1) SCC (Cri.) 390*, wherein it was emphasized that maintaining family and social ties is a fundamental aspect of parole which aligns with the goal of reforming the convicts; it underscores importance of recognising reformation alongside deterrence, prevention and retribution as objectives of sentencing. This preparation for the successful re-entry into society is crucial for both rehabilitation and public interest, as it diminishes the likelihood of recidivism by providing support networks, employment prospects and integration into the community.

7. The impugned order (Annexure P-1) deserves to be set aside because it ignores a basic legal principle that parole is an indispensable facet of the rehabilitative process which has been reiterated time and again in various judicial pronouncements. In the present case, the ground on which the petitioner has been declined parole by the District Magistrate, Bathinda is not supported by any justifiable material. Admittedly, the petitioner does not have any criminal antecedents, apart from his conviction in the present case, in which he is undergoing sentence nor has it been disputed that during years succeeding his conviction he has maintained good conduct inside the prison. Hence, merely on the basis of speculation the petitioner cannot be declined the benefit of parole. Needless to add, appropriate directions/measures such as requiring the petitioner to sign bonds, committing to good behaviour and abstaining from any illegal activities during his parole, in addition to providing adequate sureties

can always be imposed by the District Magistrate concerned.

8. As a sequel to the above, the present petition is allowed and the petitioner is granted parole for a period of 08 weeks from the date of his release to the satisfaction of the District Magistrate concerned. The District Magistrate would impose any suitable conditions, which may be required to secure the presence of the petitioner in the jail after the expiry of parole period.

12.03.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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