



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.3914 of 2024
Date of decision: 28th October, 2024

Kuldeep Singh
... Petitioner

Versus

State of Punjab & others
... Respondents

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Neha Jain, Advocate for the petitioner.
Mr. Shiva Khurmi, Asst. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking issuance of directions to respondents to grant parole for two months to him in FIR No.15 dated 20.04.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Nandgarh, District Bathinda.
2. Learned counsel for the petitioner submits that it is a matter of record that the petitioner is not involved in any other criminal case other than the FIR in question, in which he has since been convicted on 16.11.2022 by the learned Trial Court at Bathinda. Learned counsel further submits that on the basis of totally vague apprehension that the petitioner could yet again be involved in drug smuggling and abscond, the official respondents had rejected his case for parole. It has been further submitted that ever since his conviction, the petitioner has been maintaining good conduct inside the prison.

3. Learned counsel submits that under Section 3(1)(a) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, the statute clearly defines that the State Government may, in consultation with the District Magistrate and subject to such conditions and in such a manner as may be prescribed, release temporarily for a period specified in sub-section any prisoner if the State Government is satisfied that a member of the prisoner's family had died or is seriously ill.

4. Learned counsel further submits that there is no apprehension of the petitioner indulging in any criminal activity. In support of her submissions, learned counsel has placed reliance upon the judgment of this Court rendered in '**Varun @ Gullu vs. State of Haryana & others**' CRM-M No.34013 of 2019 d/d 09.04.2010 and '**Mohammad Shehbaz vs. State of Punjab & others**' CRWP No.3196 of 2022 d/d 05.07.2022. A prayer has therefore, been made for extending the benefit of parole to the petitioner as he would like to meet his parents who are suffering from age-related illness.

5. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the averments made in the reply filed by way of affidavit of Manjit Singh Sidhu, PPS, Superintendent Central Jail, Bathinda. However, on a pointed query, it has not been disputed, on instructions, that during his incarceration after his conviction on 16.11.2022, the petitioner has not been involved in any other criminal case or any untoward incident.

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

7. A Division Bench of this Court in '**Jugraj Singh @ Bhola vs. State of Punjab, 2010(25) RCR (Crl.) 138**', has held as under:

"It is also conceded position that the petitioner can be temporarily released on parole for four weeks under Clause (d) of sub-section (1) of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred to as 'the Act') to enable him to meet his family members. In our opinion, the release of a convict on parole is a wing of reformatory process. Section 3 of the Act has been enacted as a reformatory measure with an object to enable the prisoner to have family association or to perform certain family obligations and rituals. Until and unless sufficient material is available with the authorities giving solid reasons for declining the temporary release of a convict on parole, this benefit should not be declined to him. In the instant case, no such strong material or basis has been relied upon by the respondents while rejecting the prayer of the petitioner for releasing him on parole for four weeks to meet his family members."

8. Hon'ble the Supreme Court in '**Babu Singh vs. State of UP**', 1978 (1) SCC 579 has also observed that *"unremitting insulation in the harsh and hardened company of prisoners leads to many unmentionable vices that humanizing interludes of parole are part of the compassionate constitutionalism of our system"*.

9. In the case in hand, it is a matter of record that the petitioner has not been released on parole ever since his conviction. It has also not been disputed by the learned State counsel that the petitioner has maintained good conduct inside the prison. Further, there is no apprehension of any breach of peace or the petitioner being involved in any illegal activities during the parole period.

10. In the circumstances, this Court does not deem it appropriate to deprive the petitioner of the company of his family members and to meet his ailing parents. It needs to be reiterated that a prisoner does not stop being a human being merely because he has been convicted for an offence. The prisoner/convict cannot be deprived of the company of his loved ones.

11. Accordingly, the present petition is allowed. The petitioner is ordered to be released on parole for a period of 6 weeks from the date of his release on his furnishing requisite personal and surety bonds to the satisfaction of the District Magistrate concerned, and the District Magistrate may impose such conditions as may be considered necessary to secure the presence of the petitioner back in jail after the parole period is over and also to ensure that the temporary release is not misused, by securing a bond of mandatory good conduct with a clear stipulation that in case the petitioner commits any offence during his period of temporary release, his release warrants would be cancelled as provided in Rule 4 of the Punjab Good Conduct Prisoners’ (Temporary Release) Rules, 1963.

(MANJARI NEHRU KAUL)
JUDGE

October 28, 2024
rps

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