



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
(227)

CRWP No. 4790 of 2024
Date of decision : 05.09.2024

Gurdeep Singh @ Bittu
.....Petitioner

vs.

State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Harpreet Maini, Advocate
for the petitioner.

Mr. J.S. Arora, Deputy Advocate General,
Punjab.

...

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition, under Articles 226 of the Constitution of India, is for grant of emergency parole to the petitioner under Sections 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for a period of 8 weeks /furlough in order to meet and look after his family.

It has been submitted by learned counsel for the petitioner that the parole as prayed for by the petitioner has been rejected by the Deputy Commissioner-cum-District Magistrate, Faridkot, on the ground that he may abscond and there is a threat to the security of State and also maintenance of law and order. She has submitted that as per law these grounds cannot be the



basis for rejection of parole. She has also submitted that the Gram Panchayat, Hassan Bhatti, Faridkot, has also given a certificate wherein no adverse remark against the petitioner has been recorded.

Heard. The grounds mentioned in the order (Annexure P-1) by the District Magistrate are not valid grounds in the eyes of law as these are not supported by any material. This Court in Kuldeep Vs. State of Haryana and others, 2019(4) RCR (Criminal) 522 has held that likelihood of absconding while on parole is not sufficient ground to decline temporary release on parole as mere likelihood of committing crime is not to be taken as apprehension of threat to the security of State or maintenance of public order. So, this Court finds that the Deputy Commissioner-cum-District Magistrate has rejected the parole to the petitioner on flimsy grounds. As such, the order dated 11.07.2023 (Annexure P-1) is *set aside* and the present petition is disposed of with direction to respondent No.2-Deputy Commissioner-cum-District Magistrate, Faridkot, to treat this petition as a petition for parole of the petitioner and decide the same expeditiously preferably within four weeks from today in accordance with law.

05.09.2024
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(RAJESH BHARDWAJ)
JUDGE

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