



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-6930-2023
Date of decision: 08.11.2024

Jasbir Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. R.S. Brar, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. Prayer in the petition under Article 226 of the Constitution of India is for setting aside of order Annexure P-2 dated 16.05.2023 passed by District Magistrate Pathankot i.e. respondent No.3 rejecting the request made by the petitioner seeking parole for a period of eight weeks, on the ground that if the petitioner is released on parole, there is danger to the State security and there is also apprehension of breach of peace, in case the petitioner is released on parole.
2. The present petition is resisted by the State counsel. Short reply by way of an affidavit of Gurcharan Singh Dhaliwal, Superintendent Central Jail, Shri Goindwal Sahib was filed along with custody certificate Annexure R-1.
3. From the perusal custody certificate, it is evident that petitioner was sentenced to life imprisonment by the Court of Additional Sessions Judge, Gurdaspur vide judgment dated 04.12.2008. He has already

undergone, actual sentence of 4 years 10 months, as on 30.10.2023 and total undergone period including remissions is 7 years and 9 months.

4. Admittedly, in the case in hand, the claim of the petitioner had been rejected on the ground that if released on parole, there is apprehension of breach of peace and further his release will endanger the security of the State. The impugned order does not refer to any material on the basis of which said satisfaction has been recorded by respondent No.3. The aforesaid observations made by the competent authority in impugned order Annexure P-2 are unsustainable being based merely on conjectures and surmises.

5. Accordingly, the present petition is allowed, impugned order dated 16.05.2023 Annexure P-2 is set aside and the competent authority is directed to pass afresh order in accordance with law, within a period of two weeks with regard to the application already filed by the petitioner seeking grant of parole for a period of eight weeks.

08.11.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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