



CRWP-11234-2023

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

CRWP-11234-2023

Date of Decision: 01.10.2024

Satinderjit Singh @ Mintu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. B.S. Sewak, Advocate, for the petitioner.

Mr.Karunesh Kaushal, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for quashing of the order dated 06.05.2023 passed by Commissioner of Police, Ludhiana, vide which application of the petitioner for parole has not been recommended and thereafter, for issuance of direction to respondent-State to release the petitioner in FIR No.21 dated 22.01.1987, registered under Sections 302 read with Section 34 IPC, Sections 25, 54, 59 of Arms Act, and Sections 3 and 4 of TADA at Police Station Division No.6, Jalandhar.

2. It has been contended by learned counsel for the petitioner that the petitioner is confined in Central Jail, Faridkot and is undergoing life imprisonment in FIR No.21 dated 22.01.1987. He submits that the petitioner has approached the authorities through Superintendent, Central Jail, Faridkot by way of filing his application for granting him parole to meet his family members. However, without appreciating his grievance, the application filed by the petitioner has been rejected in a mechanical manner by way of passing the impugned order dated 06.05.2023. He has submitted that the impugned order has been passed on the premise that if the petitioner is released on parole, he could create an unpleasant situation and no resident in



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the area is ready to take his responsibility during his parole. It is submitted that time and again, this Court has held that apprehension of breach of peace, is no ground for rejecting the prayer for grant of parole.

3. State was directed to file the status report and the same has been filed by way of affidavit of Sirivennela, IPS, Assistant Commissioner of Police, Sub Division Model Town, Jalandhar dated 30.09.2024 on behalf of the respondent-State.

4. It has been submitted by learned State counsel that the petitioner is a habitual offender as he has faced prosecution in six other cases. It is submitted that verification of the address given by the petitioner was made and it was found that daughter of the petitioner was not been living in the address given in her Aadhar Card. It is submitted that statement of the brother of the petitioner was recorded, wherein, it is stated that the petitioner did not own any house at Ludhiana and house No.1132, Guru Arjun Dev Nagar, Ludhiana, was purchased in the year 1994 in the name of Paramjit Kaur wife of Kamaljit Singh. He thus submits that the petitioner has no justifiable cause seeking parole.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is undergoing life sentence and he has undergone an actual sentence of about 12 years. The precise reason for rejecting his parole is that he could create an unpleasant situation. This ground can never be justifiable for rejecting the application filed by any accused for grant of parole. The status report filed would show that the respondent-authorities have recorded the statement of the brother of the petitioner and thus, it is evident that the petitioner has family members and



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relatives and as such he has every right to meet his family members. In the facts and circumstances of the present case, this Court is of the opinion that parole application of the petitioner, who has already spent 12 years in custody, cannot be rejected on the technical grounds like breach of peace or creation of unpleasant situation by the convict especially when this observation has been made without referring to any reliable material which the authority concerned had considered before coming to such a conclusion. Hon'ble Division Bench of this Court in case of **Avdesh Kumar vs. State of Punjab and others**, in CRWP-2664-2023 decided on 02.06.2023, has held as under:-

“16. Admittedly, in the case in hand, the claim of the petitioner had been rejected on the ground that in case he is released on parole, he would indulge in sale of contraband besides it would give bad effect to the young generation and there was apprehension of breach of peace. The impugned order does not refer to any material on the basis of which said satisfaction has been recorded and as is based merely on conjectures and surmises. Such a consideration is unsustainable and can be routinely pressed into action for defeating the statutory objective to temporarily release a convict in terms of the provisions of the Act. Mere apprehension of the petitioner indulging in sale of contraband or of causing breach of peace would not bring the case within the ambit of Section 6(2) of the Act so as to enable the competent authority to reject the application for temporary release on parole.

17. Accordingly, in view of the fact that the rejection of the claim of the petitioner for temporary release does not fall within the ambit of either of the twin grounds stipulated in Section 6 (2) of the Act besides is based on mere conjectures and surmises without there being any material to arrive on said

satisfaction, we are of the considered view that the impugned order is legally unsustainable and is liable to be set aside and the petitioner held entitled to concession of eight weeks parole.”

7. Thus, in view of the observations made in Avdesh Kumar’s (supra), the application of the petitioner for parole deserves to be considered afresh. Thus, the impugned order dated 06.05.2023 is set aside. Respondent-authorities are directed to pass a fresh order after considering the observation made above as well as law settled in this respect within a period of two weeks from the date of receipt of copy of this order.
8. The petition stands disposed of in above-said terms.

01.10.2024 sharmila		(RAJESH BHARDWAJ)
		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No