



106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-280-2025

Date of decision: 15.01.2025

HARPREET SINGH @ HAPPY

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Amardeep Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 05.03.2024 (Annexure P-2) as well as report dated 13.02.2024 (Annexure P-3) declining parole to the petitioner for a period of eight weeks to meet his family members with a further prayer to release the petitioner on parole.

2. Learned counsel for the petitioner submitted that the petitioner applied for parole for a period of eight weeks but the District Magistrate, Amritsar vide Annexure P-2 declined the parole without any justifiable reason and only on the ground that it will be a threat and danger to State security and maintenance of public order if parole is granted to the petitioner. He further submitted that there is no material on the basis of which it can be said that there



is a threat and danger to State security and maintenance of public order because nothing is so mentioned in the aforesaid order nor there is any application of mind. He referred to the judgments passed by a Division Bench of this Court in **Harvinder Singh @ Goggi versus State of Punjab, 2023 (4) RCR (Criminal) 231** and **Bansi Lal versus State of Punjab and others, 2016 (4) RCR (Criminal) 1017** to contend that the aforesaid itself cannot become a ground for denial of parole unless there are specific reasons so mentioned and the present is a case where no such reason has been mentioned and therefore, the aforesaid order (Annexure P-2) has been passed without any application of mind and in a stereotyped manner.

3. Notice of motion.

4. Mr. Vinay Kumar Malhotra, DAG, Punjab, accepts notice on behalf of the respondents-State and submitted that he has no objection in case the District Magistrate, Amritsar is directed to pass a fresh order in accordance with law by application of mind.

5. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 05.03.2024 (Annexure P-2) passed by respondent No.2-District Magistrate, Amritsar, is set aside. Respondent No.2-District Magistrate, Amritsar is hereby directed to pass a fresh order strictly in accordance with law with due application of mind, within a period of one month from today.

15.01.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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