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**IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH****CRWP-1712-2025****Date of Decision: 19.05.2025****PARWINDER ALIAS BABBU ALIAS PARWINDER SINGH ALIAS BABU
SHARMA****.....PETITIONER****VERSUS****STATE OF PUNJAB AND ORS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Kulwinder Singh, Advocate for the Petitioner.
Mr. Rajiv Verma, Sr. DAG, Punjab

***********SANDEEP MOUDGIL, J (oral)**

1. The petitioner under Article 226 of the Constitution of India has filed Criminal Writ Petition praying for setting aside the speaking order dated 29.01.2025(P-5) passed by respondent no.4 whereby mother of petitioner has been intimated that parole release case of petitioner has already been rejected vide order dated 08.11.2024(P-7) passed by respondent no.2 vide which parole release case of petitioner for 8 weeks has been rejected wrongly, illegally and against the facts of the case.

2. It is averred in the petition that the petitioner was involved in case FIR No. 139 dated 26.09.2003 u/s 302, 148,149,120-B of IPC, P.S. City Mansa, Distt Mansa wherein the petitioner along with the co-accused were convicted to undergo imprisonment for life and to pay fine of Rs.50,000/- each u/s 120-B IPC, imprisonment for life and to pay fine of Rs.50,000/- each u/s 30/149 IPC, RI for



two years each and to pay fine of Rs.2000/- each u/s 148 IPC and RI for 5 years each and to pay fine of Rs.5000/- each u/s 449 IPC. In default of payment of fine, the convicts shall undergo further RI for period of four years each vide judgment dated 5.10.2007 and order of sentence dated 8.10.2007

3. Further, it is averred that the petitioner was granted parole of 8 weeks vide no.1557 dated 15.5.2020 and the same was extended time to time due to covid-19 however the petitioner could not surrender back in time and as a result, FIR No.64 dated 30.05.2021 u/s 8(2), 9 of the Punjab Good Conduct Prisoners (Temporary Release) Act 1962 P.S. City-1 Mansa was registered on which he is on bail. Also, it is averred that the mother of the petitioner applied on 04.11.2024 for grant of 8 weeks parole to the petitioner to enable him to meet her wherein the Municipal Councillor issued certificate dated 1.11.2024 (Annexure P-2) in which it was mentioned that the mother of the petitioner is old aged and is suffering from various diseases and there would be no breach of peace if petitioner is released on parole.

4. Thereafter, the petitioner approached this Hon'ble court by way of CRWP No.11350 of 2024 for grants of 8 weeks parole which was disposed of vide order dated 25.11.2024 with a directions to Respondent no.4 (Superintendent Central Jail, Kapurthala) to decide the application dated 4.11.2024 within a period of two weeks from the date of receipt of this order and it is only after filing the application on 20.01.2025 before Respondent no.4, mother of the petitioner came to know that vide order dated 08.11.2024, the parole of the petitioner has been rejected by Respondent no.2(P-7) on the basis of report received from Respondent no.3 dated 22.10.2024 submitting that 10 cases are registered against the petitioner and if petitioner comes on parole then there would be danger to the State security,



public order and public peace. Therefore, the petitioner is seeking indulgence of this Court for grant of parole.

5. Learned State Counsel has filed reply on behalf of respondents No.1 and 4 and custody certificate of the petitioner which is taken on record. In the reply it is stated that the petitioner had submitted an application to the office of Respondent no.4 for grant of parole for 8 weeks to meet his family and the same was forwarded to the District Magistrate Mansa for taking final decision being competent authority and the District Magistrate Mansa forwarded the same to the Senior Superintendent of Police Mansa for verification and report.

6. On the basis of report of Senior Superintendent of Police Mansa, District Magistrate Mansa vide order dated 08.11.2024 rejected the parole of the petitioner stating that as per police record, 10 cases are registered against the petitioner therefore it is not recommended to release the convict on 8 weeks parole.

7. Heard the learned counsel for the petitioner as well as learned State counsel and perused the record.

8. The petitioner had sought grant of parole to meet his family members/aged mother however, vide order dated 25.11.2024 by this court in CRWP No.11350 of 2024, the case of the petitioner for grant of parole was considered and Senior Superintendent of Police Mansa had reported that since the petitioner is involved in 10 other cases, as such, no recommendation was made for release of the petitioner on parole.

9. The Punjab Good Conduct Prisoner's (Temporary Release) Act, 1962, was enacted for temporary release of the prisoners, on account of their conduct, but on certain conditions. The name of the Act itself suggests that in order to earn temporary release, the prisoner has to maintain good conduct, during



his stay in the prison and furthermore, he has to behave properly during the period of parole and also not disturb the social peace.

10. Even though, in the impugned order dated 08.11.2024 it is stated that the Senior Superintendent of Police, Mansa had reported that the petitioner is involved in 10 other cases so it would not be in the interest of the state security to release him on parole for 8 weeks.. Therefore, no recommendation has been made for his release, however, nothing as such has been specified about the manner, in which the release of the petitioner on parole shall cause inconvenience to the State Authorities. The reason, so assigned in the impugned order dated 08.11.2024 is hence quite vague.

11. Further, perusal of the Custody Certificate annexed with the reply(R-1) reveals that the petitioner has undergone total sentence of 2 years 11 months and 24 days as under trial and 12 years 10 months 2 days after conviction in FIR No. 139 dated 26.09.2003. There is nothing, as such, mentioned in the custody certificate about the petitioner to have not maintained good conduct while his detention in jail, during the pendency of the trial.

12. In the given circumstances, the present petition, as such, is hereby allowed and the petitioner is hereby ordered to be released on parole for a period of 8 weeks, subject to his furnishing bail/surety bonds to the satisfaction of Competent authority, within a period of 7 days from the date of receiving certified copy of this order.

19.05.2025
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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