

CRWP 2573 of 2025 (O&M)

2025:PHHC:174937-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRWP 2573 of 2025 (O&M)
Date of Decision:15.12.2025

Gurpreet Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT
HON'BLE MR. JUSTICE H.S.GREWAL

Present : Mr. Ashish Pundir, Advocate and
Mr. Tajveer Singh, Advocate
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G., Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present criminal writ petition under Article 226 of the Constitution of India seeking directions for quashing the impugned order dated 21.02.2025 passed by respondent No. 3, the Assistant Commissioner (J), Patiala (Annexure P-2), whereby the application filed by the petitioner for grant of parole under Sections 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter to be referred as 'the Act') for a period of eight weeks for the purpose of looking after his

family and house hold work and to meet his minor daughter aged about three years, was dismissed. The petitioner has further prayed for grant of parole for a period of eight weeks.

2. Learned counsel for the petitioner submits that the petitioner was convicted vide judgment dated 20.04.2024 passed by the learned Additional Sessions Judge, SAS Nagar, Mohali and while undergoing sentence at New District Jail, Nabha, applied for parole for a period of eight weeks to meet his family, particularly his minor daughter aged about three years. Along with the application, a Panchayatnama (Annexure P-1) was also submitted wherein the Gram Panchayat recommended grant of parole and categorically stated that there would be no law and order problem, if the petitioner is released on parole. Learned counsel further submits that the said application has been rejected vide impugned order dated 21.02.2025 on the ground that the local police did not recommend the case for parole and, thus, the impugned order is a non-speaking order. Learned counsel next contends that the petitioner has already undergone more than three and a half years of custody and has been in continuous custody since his arrest.

3. A short reply by way of an affidavit of the Superintendent, New District Jail, Nabha has been filed on behalf of the respondents No. 1, 2 and 4 and the same is taken on record.

4. Learned State counsel submits that there is no infirmity or illegality in the impugned order and that the petitioner, if released

on parole, may disturb public order and may also abscond as he has committed serious offences. Accordingly, it is urged that the present petition is liable to be dismissed.

5. We have heard learned counsel for the parties and perused the record carefully.

6. Sections 3 and 4 of the Act provide for the temporary release of eligible inmates (such as parole or furlough) for specific reasons, including family illness, death, or natural calamity, subject to good conduct. Section 3 provides for the grounds on which release may be granted, while Section 4 provides for the conditions, disqualifications, and safeguards, including potential denial if release poses a threat to state security.

7. In the instant case, the prayer made by the petitioner for temporary release on parole for a period of eight weeks was declined by respondent No. 2 solely on report received from the office of the Superintendent, New District Jail, Nabha. However, a perusal of the impugned order does not disclose any material or basis on which respondent No. 2 arrived at a conclusion that “there is a fear of breaking the law and order situation with the release of parole”. It is not the case of the respondent authorities that the petitioner is otherwise ineligible for grant of parole.

8. In view of the above discussion, this Court is of the considered opinion that the impugned order is not sustainable in the eyes of law. Accordingly, the present petition is partly allowed and the

impugned order is hereby set aside. The respondents are directed to release the petitioner on temporary parole for a period of four weeks from the date of his release from jail, subject to his furnishing sufficient bonds in terms of the statutory provisions to the satisfaction of the competent authority, which shall also impose such conditions as may be deemed necessary to ensure that the temporary release is not misused. The petitioner shall undertake to maintain peace and good behaviour during the parole period and shall surrender back to jail immediately upon expiry of the parole period.

9. All pending applications, if any, are disposed off, accordingly.

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

15.12.2025

amit rana

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