

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

2025:PHHC:037897



(113)

CRWP-2615-2025

Date of Decision: 19.03.2025

Satish Kumar

--Petitioner

Versus

State of U.T., Chandigarh & others

--Respondents

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. H.S. Jaswal, Advocate for petitioner.

MANJARI NEHRU KAUL.J (Oral)

The present petition has been filed seeking quashing of impugned order dated 03.03.2025 and for grant of parole to the petitioner, who stands convicted in NCB Crime No.34 dated 11.08.2016 registered under Sections 8, 18, 29, 60 & 63 of NDPS Act at Police Station, NCB Crime Unit, Chandigarh and was sentenced on 30.03.2024 to undergo RI for a period of 10 years.

2. The petitioner has been in custody since his conviction and has maintained an unblemished record during his incarceration.

3. Learned counsel for the petitioner has vehemently contended that the petitioner is statutorily entitled to parole under Section 3 of the Punjab Good Conduct Prisoner's (Temporary Release) Act, 1962, as amended by the 2018 Act. He further submits that the petitioner is not involved in any other case under the NDPS Act and has completed a total custody period of 02 years 01 month and 07 days as of the date of the filing of the petition.

4. It is further submitted by the learned counsel for the petitioner that the petitioner has previously applied for parole before respondent no.2,

but his application was rejected vide order dated 16.10.2024 (Annexure P-1) on vague and arbitrary grounds. The rejection order, it is argued, is cryptic, non-speaking and devoid of any cogent reasoning or supporting material. Aggrieved by the said order, the petitioner had approached this Court by filing CRWP-10573-2024, wherein this Court disposed of the petition with a direction to the respondents to reconsider the case of the petitioner and pass a speaking order within a period of four weeks. In support, learned counsel has drawn the attention of this Court to Annexure P-2.

5. Learned counsel for the petitioner further contends that pursuant to the directions of this Court, the petitioner again approached the respondent-authorities for the grant of parole. However, vide order dated 03.03.2025, the application was once again rejected, this time on the ground of an apprehension of breach of peace.

6. Notice of motion.

7. On the asking of the Court, Mr. Ganesh Kumar Sharma, Addl. P.P., U.T., Chandigarh accepts notice on behalf of U.T., Chandigarh.

8. Learned standing counsel for the U.T., Chandigarh has not disputed the fact that the conduct of the petitioner in jail has been exemplary and there are no other criminal cases pending against him. He on, instructions, has also not controverted the total custody period of the petitioner as stated in the petition. However, it has been submitted that it was in the light of the report received from the District Magistrate, Shahjahanpur (U.P.) that the petitioner had been declined the benefit of parole.

9. I have heard learned counsel for the parties and examined the material on record.

10. It is a well settled principle that parole is an integral part of the rehabilitated and reformatory process embedded within the criminal justice system. The objective of parole is to facilitate the reintegration of a convict into society and to maintain familial and social ties, thereby reducing the risk of a recidivism. It cannot be denied solely on vague, unsubstantiated, or generalized apprehensions of breach of peace. The Division Bench of this Court in **Daler Singh Vs. State of Punjab and others (CRWP-1322-2015)**, held that mere apprehension of absconding cannot form the sole basis for rejecting the parole, even if the convict had prior involvement in smuggling activities. It was reiterated that parole is a reformatory mechanism intended to ensure that the convict remains connected with his family and society at large, thereby aiding his rehabilitation.

11. In the present case, the impugned order dated 03.03.2025 (Annexure P-3) rejecting the parole application of the petitioner is unsustainable in law. The reasons cited for denial namely apprehension of breach of peace, is wholly unsubstantiated and lacks any tangible material to justify such a conclusion. The District Magistrate, Shahjahanpur (U.P.), has not placed on record any concrete evidence to support the claim that the release of the petitioner on parole would lead to a law and order problem. Furthermore, it is not in dispute that the petitioner had no criminal antecedents other than his conviction in the present case and that his conduct in prison has been exemplary.

12. Denying parole on mere speculation would defeat the very purpose of the reformatory and rehabilitative process envisioned under the law. If the authorities genuinely apprehend any breach of peace, appropriate safeguards-such as requiring the petitioner to furnish bonds,

abide by conditions of good conduct and provide adequate sureties-can always be imposed to ensure his compliance with the law, during the parole period.

13. In view of the foregoing discussion, the present petition is allowed. The petitioner is granted parole for a period of 04 weeks from the date of his release subject to the satisfaction of the District Magistrate concerned. The District Magistrate concerned shall impose suitable conditions to ensure the petitioner's good conduct and secure his return to prison upon the expiry of the parole period.

(MANJARI NEHRU KAUL)
JUDGE

19.03.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No