



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

305

CRWP-2632-2025

Date of decision: May 22nd, 2025

Major Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. N.S. Dadwal, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Prayer in the instant petition is for setting aside the order dated 10.02.2025 passed by Deputy Commissioner, Tarn Taran, whereby case of the petitioner for grant of parole for eight weeks has been rejected.

2. The petitioner was convicted by the learned Judge, Special Court, Hoshiarpur, vide judgment dated 05.09.2023 in FIR No.99 dated 29.07.2015 under Section 21 of The NDPS Act, registered at Police Station Mehtiana, District Hoshiarpur, and was sentenced to undergo rigorous imprisonment for a period of ten years.

3. Learned counsel for the petitioner submits that the petitioner has remained in custody since the date of his conviction and has exhibited consistently good conduct during the period of incarceration. It is further submitted that the petitioner has never been released on parole since his conviction and now seeks temporary release

for a limited period of eight weeks solely to meet and reunite with his family members. It has also been submitted by the counsel that during trial, the petitioner was on bail and it is a matter of record that he had never misused the said concession.

4. Learned counsel further contends that an application seeking parole was duly submitted before the competent authority, but the same was declined by the SSP, Tarn Taran, vide order dated 10.02.2025 (Annexure P-2). The rejection was premised primarily on the ground that the Panchayat of Village Suhawa, district Tarn Taran, declined to take responsibility for the petitioner's release. However, it is asserted that the Sarpanch of the Village had, in fact, issued a *Panchayatnama* dated 16.05.2024 (Annexure P-3) explicitly recommending the release of the petitioner on parole.

5. It is vehemently argued by learned counsel for the petitioner that the apprehension expressed by the authorities is speculative and lacks any substantive basis. No material has been placed on record to show that the petitioner's release on parole would pose a threat to public peace or security. It is further submitted that parole serves as a rehabilitative and reformatory instrument within the correctional jurisprudence and that its denial, in the absence of cogent reasons, undermines the very objectives of the penal and correctional system.

6. *Per contra*, learned State counsel has opposed the prayer of the petitioner, primarily reiterating the contents of the affidavit of Mr. Lovkesh, Deputy Superintendent of Police, Sub-Division Patti, District Tarn Taran, which has been filed today in the Court. It is submitted that the Panchayat of Village Suhawa has declined to take

responsibility for the petitioner's release, claiming that he is not a resident of the said village. However, beyond this, no additional reasons or material have been presented to justify the denial of parole to the petitioner. Significantly, the learned State counsel does not dispute the fact that the petitioner has maintained good conduct during incarceration and is not involved in any other criminal case, whether under The NDPS Act or any other penal provision.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. A perusal of the material on record and the submissions made reveals that the sole basis for rejecting the request of the petitioner for parole is the alleged *Panchayatnama* of the Panchayat of Village Suhawa, which itself appears to be factually contradicted by the *Panchayatnama* earlier issued on 16.05.2024 by the Sarpanch recommending the release of the petitioner on parole. Moreover, the State has not demonstrated any compelling reason to believe that the temporary release of the petitioner on parole would adversely affect public order or security.

9. It is also not in dispute that the petitioner has never previously availed parole and has maintained good conduct throughout his incarceration. The principles governing parole recognize it as a vital mechanism of reintegration, for allowing the prisoner to maintain social ties and reduce the psychological impacts of long-term imprisonment. Denial of parole must be justified by specific and weighty reasons, none of which are present in the instant case. The Hon'ble Supreme Court and various High Courts have consistently held that parole is not to be denied on vague apprehensions or administrative convenience alone.

In the absence of any cogent ground indicating that the release of the petitioner may be detrimental to society or that he is a habitual offender, there is no justification to deny the present prayer.

10. In light of the above and considering the reformatory purpose of parole, the petitioner is held entitled to the relief sought.

11. The present petition is allowed and the petitioner is directed to be released on parole for a period of eight weeks from the date of his actual release subject to the satisfaction of the District Magistrate concerned, who would impose such conditions as may be required to secure the presence of the petitioner in the jail after the parole period is over.

May 22nd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No