



**CRWP-2825-2025**

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

**Sr. No.240**

**CRWP-2825-2025**

**Date of decision: 03.09.2025**

Satya Prakash

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL  
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Sween Chaudhary, Advocate  
for the petitioner.

Mr. Varun Gupta, DAG, Haryana.

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**DEEPAK SIBAL, J. (Oral)**

1. Through this petition, the petitioner challenges the order dated 17.01.2025, passed by the Divisional Commissioner, Ambala Division, Ambala, through which the petitioner's prayer for grant of parole has been declined.

2. On 17.03.2014, an FIR bearing No.167/2014 was lodged against the petitioner under Sections 376(2), 506 IPC and Section 3 of the Protection of Children from Sexual Offences Act, 2012 (for short – POCSO Act) at Police Station City Yamunanagar (hereinafter referred to as the 1<sup>st</sup> Criminal Case). In this case, after trial, the petitioner was held guilty and



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resultantly, through order of the trial Court dated 06.01.2015, he was sentenced to undergo rigorous imprisonment for a period of 10 years. On 29.11.2017, after he had undergone actual custody of 03 years, 08 months and 11 days, his sentence was suspended.

3. On 20.01.2021, another FIR bearing No.54 dated 20.01.2021 under Sections 363, 366-A IPC and Section 6 of the POCSO Act was registered against the petitioner at Police Station City Yamunanagar (hereinafter referred to as the 2<sup>nd</sup> Criminal Case). The police investigated the matter and filed its report under Section 173 Cr.P.C., on the basis whereof the trial Court framed charges. A trial ensued, resulting in the petitioner's conviction under Section 366 IPC and Section 6 of the POCSO Act. For his conviction under Section 366 IPC, the petitioner was sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.20,000/- and for his conviction under Section 6 of the POCSO Act, he was sentenced to undergo rigorous imprisonment for 20 years and to pay fine of Rs.50,000/-.

4. When in the second criminal case, the petitioner had undergone about 04 years of actual custody, to meet his family members, he filed an application to the respondent authorities for the grant of parole. Since the petitioner was a permanent resident of Saharanpur (U.P.), on the petitioner's application for parole, a report was sought by the respondent authorities from the District Magistrate, Saharanpur, on the receipt of which, respondent No.2 rejected the petitioner's application primarily for the reason that if the petitioner would be granted parole, there was a possibility that he



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would influence the witnesses in the 1<sup>st</sup> Criminal case and that the convict prisoner cannot be allowed to leave the jurisdiction of the Court in which the petitioner's second criminal case was pending.

5. Learned counsel for the parties have been heard.

6. Sections 3 and 8 of the Haryana Good Conduct Prisoners Act (Temporary Release) Act, 2022 providing for release of a convict on parole read as under:-

“3. (1) The competent authority shall grant regular parole to a convicted prisoner subject to such conditions and procedure as specified under Sections 11 and 12.

(2) The period for which a convicted prisoner may be released under this section shall prisoner on be ten weeks in a calendar year cumulatively and the convicted prisoner may avail it in two parts:

Provided that in case of delivery of a female convicted prisoner, the period of release under this section shall be six months, beginning from one month prior to the expected date of delivery as certified by the Medical Officer of the jail.

(3) Convicted prisoner who has not completed one year of sentence after conviction shall not be eligible for regular parole:

Provided that the restriction shall not be imposed on old aged convicted prisoner of seventy years or above in case of male and sixty-five years or above in case of female.

(4) The report of the Deputy Commissioner of Police or the Superintendent of Police, as the case may be and recommendations by the District Magistrate shall be submitted to the competent authority within time limit as specified under this Act, for temporary release of a convicted prisoner on regular parole.

(5) (5) The period of release under this section shall not count towards the actual sentence of a prisoner. No ordinary remission shall be granted for this period.

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8. Notwithstanding anything contained in this Act, no convicted



prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate or the Deputy Commissioner of Police or the Superintendent of Police or otherwise, the State Government or the competent authority is satisfied that his release is likely to endanger the security of the State or the maintenance of public order or cause reasonable apprehension of breach of peace.”

7. As per the afore-quoted provisions, the competent authority can reject the application of a convict for the grant of parole if his/her release is likely to endanger the security of the State or the maintenance of public order or if there is reasonable apprehension that his/her release would result in breach of peace.

8. A perusal of the impugned order reveals that the petitioner's claim for the grant of parole has not been declined for the reason that his release would endanger the security of the State or the maintenance of public order or would result in breach of peace.

9. The petitioner's application for the grant of parole has been rejected primarily for the reason that if he is granted parole he could influence the witnesses in the 1<sup>st</sup> criminal case. For this reason he could have not been denied parole because the trial in the 1<sup>st</sup> criminal case was over way back on 06.01.2015 resulting in the petitioner's conviction. Therefore, on his release on parole, there was no possibility of the petitioner influencing the witnesses in that case.

10. The other ground to deny parole to the petitioner is that during the pendency of his appeal, filed by him against his conviction and sentence, he cannot be allowed to leave the jurisdiction of this Court. This ground is also

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unsustainable as the petitioner is a permanent resident of Saharanpur (U.P.) and if on parole, he is to meet and live with his family, he necessarily has to visit Saharanpur (U.P.), which should be allowed as there is no such bar in the applicable Act/Rules especially when the authorities in Saharanpur (U.P.) have not even flagged any danger to the security of the State or maintenance of the public order or apprehension of any breach of peace on the petitioner's visit to Saharanpur (U.P.) on parole.

11. In the light of the above discussion, it seems that respondent No.2 has passed the impugned order without application of mind. Therefore, the impugned order is set aside and the petitioner is directed to be released on parole for a period of 08 weeks from the date of his release. However, the same would be subject to his furnishing adequate surety to the satisfaction of the competent authority.

12. The petition is allowed in the above terms with costs which are quantified at Rs.5000/- to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh and to be borne personally by the officer who passed the impugned order dated 17.01.2025.

**(DEEPAK SIBAL)**  
**JUDGE**

**(LAPITA BANERJI)**  
**JUDGE**

**September 03, 2025***Jyoti 1*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No