

2025:PHHC:063582



274.

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

CRWP-3936-2024

Date of decision: 13.05.2025

Jagdev Singh @ Laddi

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Laghuinder S. Sekhon, Advocate, and
Mr. Parshant, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India seeking the grant of parole for a period of 08 weeks to the petitioner, who stands convicted in FIR No.13, dated 08.02.2021, under Sections 22, 29, 61, 85 of NDPS Act, registered at Police Station Sadar Sangrur, District Sangrur, and is presently undergoing sentence of 10 years rigorous imprisonment at District Jail, Sangrur.

2. Learned counsel for the petitioner submits that the petitioner was convicted by the learned Additional Sessions Judge, Sangrur, vide judgment dated 29.07.2023 and sentenced to undergo rigorous imprisonment for a period of 10 years along with fine of Rs.1 lakh. It is submitted that since the date of conviction, the petitioner has completed approximately 02 years of incarceration and has maintained good conduct

during his confinement in the prison. An application was preferred by the petitioner before the Superintendent, District Jail, Sangrur, seeking parole for 08 weeks on humanitarian grounds, specifically to attend to urgent familial responsibilities and provide care to his dependents. However, the said application was declined vide order dated 21.03.2024 (Annexure P-1) primarily on the ground that there existed an apprehension of threat to State security.

3. It is further argued by the learned counsel for the petitioner that the apprehension expressed is unsubstantiated by any cogent material or intelligence inputs. It is contended that the petitioner is not involved in any other criminal case, much less under the NDPS Act and that there exists no legal impediment to the grant of parole. It has been asserted by the learned counsel that parole serves a vital reformatory and rehabilitative function within the correctional system and should not be denied on the basis of a mere conjecture or surmise.

4. On being put to notice, learned State counsel has filed reply by way of short affidavit dated 29.08.2024 of Ms. Palavi, I.A.S., District Magistrate, Malerkotla, on behalf of respondent No.3. The same is taken on record subject to all just exceptions. A copy thereof has been supplied to the counsel opposite. Learned State counsel has primarily opposed the prayer of the petitioner by reiterating that as per the affidavit, the release of the petitioner may pose a threat to the security of the State. However, when a query was put by this Court, learned State counsel was unable to furnish any specific, tangible, or contemporaneous intelligence reports or evidence

which could demonstrate the nature or extent of the alleged threat posed by the petitioner, if released on parole. Furthermore, it is not denied, on instructions, that the petitioner has otherwise exhibited good conduct during his incarceration and is not involved in any other criminal case.

5. The panchayatnama (Annexure P-2), submitted by the petitioner, further reinforces that there exists no apprehension of breach of peace in the village community or any likelihood of the involvement of the petitioner in unlawful activity during the proposed period of parole. The local panchayat has categorically stated that there are no adverse reports or objections to the temporary release of the petitioner.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The purpose of parole is not to interrupt the sentence imposed by the Court, but to enable the convict to maintain his familial and social ties and to reorient himself with the mainstream of society. It needs to be categorically emphasized that the objective of parole is to humanize the criminal justice system by allowing a convict to reconnect with family and society, thereby aiding in his eventual reintegration upon completion of his sentence. Furthermore, rehabilitation is a key element in the correctional process and temporary release mechanisms like parole are integral to reformatory jurisprudence.

8. It is pertinent to note that the petitioner, since his conviction, has not been released on parole even once. The period of incarceration already undergone, combined with his unblemished conduct and the

absence of any other criminal antecedents, justifies the extension of parole to the petitioner so as to facilitate familial support and emotional stability – factors which are pivotal to the success of correctional strategies.

9. In the totality of circumstances, this Court is of the view that the denial of parole in the present case is not supported by adequate reasoning or substantiated material. The rejection appears to be premised solely on a generalized apprehension, unsupported by any concrete intelligence inputs or objective assessment of the petitioner's individual conduct and risk profile. Such a mechanical denial runs contrary to the spirit of reformatory justice and the principles governing the grant of parole.

10. Accordingly, the present petition is allowed. The petitioner is directed to be released on parole for a period of 08 weeks from the date of release 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.

(MANJARI NEHRU KAUL)
JUDGE

May 13, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No