

2025:PHHC:079316



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

272

CRWP-4559-2025

Date of decision:04.07.2025

Jaswinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Tushaar Madaan, Advocate,
for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for quashing of the impugned order dated 17.04.2025 (Annexure P-4) passed by the District Magistrate, Patiala, vide which request of the petitioner for grant of 8 weeks parole to him has been declined and further for issuance of directions to the respondents to release the petitioner on parole for a period of eight weeks.

2. Learned counsel for the petitioner submits that the petitioner was prosecuted in case FIR No.122 dated 18.07.2006, registered under Sections 15/25/29/60/61/85 of the NDPS Act, 1985 at Police Station Bawani Khera, District Fatehabad. After completion of trial, the petitioner was convicted and sentenced for 14 years rigorous imprisonment with fine of Rs.1,00,000/- vide judgment of conviction and order of sentence dated 17.07.2009 passed by the learned Additional Sessions Judge, Bhiwani. The petitioner assailed the order of his conviction and sentence by way of filing CRA-D-692-DB-2009, which

2025:PHHC:079316



was dismissed by this Court vide order dated 03.12.2012. It is submitted that respondent no.4 had recommended the grant of eight weeks parole to the petitioner to meet his family members on 09.01.2025 and the same was duly forwarded to respondent no.3. It is further submitted that brother-in-law of the petitioner has also given an affidavit (Annexure P-1) to the effect that the petitioner would be residing with him during the parole period. He further submits that the Panchayat of village Kaler Bhaini, Block Patran, District Patiala has also supported the case of the petitioner for releasing him on parole vide Annexure P-2. It is submitted that out of the awarded sentence, the petitioner had already undergone about 12 years of sentence and, thus, in view of the aforesaid facts and circumstances, the respondent-authorities have wrongly declined prayer of the petitioner for grant of parole on the basis of totally flimsy grounds. He further submits that the impugned order passed by the respondent-authorities is unsustainable in the eyes of law in view of the law settled and, thus, submits that the impugned order deserves to be set aside.

3. Learned State counsel, *per contra*, submits that the petitioner is a habitual offender as he is involved in various other FIRs and he can also escape in case of release on parole.

4. On hearing learned counsel for the parties and perusing the record, it is deciphered that out of the awarded sentence of 14 years rigorous imprisonment, the petitioner has already undergone about 12 years sentence. Brother-in-law of the petitioner has given an affidavit (Annexure P-1) to the effect that the petitioner would reside with him in case of release on parole. Further, Gram Panchayat of village Kaler Bhaini, Block Patran, District Patiala has also supported case of the petitioner vide Annexure P-2. As per the law settled, the

2025:PHHC:079316



provisions of parole are designed to bring the convicts in mainstream of the life. The prayer for grant of parole cannot be declined in a mechanical manner. The issue regarding apprehension of breach of peace etc. has already been dealt with by this Court time and again. This ground can never be justifiable for rejecting the application filed by any accused for grant of parole. The petitioner has every right to meet his family members.

5. In the facts and circumstances of the present case, this Court is of the opinion that parole application of the petitioner cannot be rejected on the mechanical grounds like breach of peace or creation of unpleasant situation by the convict especially when this observation has been made without referring to any reliable material which the authority concerned had considered before coming to such a conclusion. Hon'ble Division Bench of this Court in case of ***Avdesh Kumar vs. State of Punjab and others***, in CRWP-2664-2023 decided on 02.06.2023, has held as under:-

“16. Admittedly, in the case in hand, the claim of the petitioner had been rejected on the ground that in case he is released on parole, he would indulge in sale of contraband besides it would give bad effect to the young generation and there was apprehension of breach of peace. The impugned order does not refer to any material on the basis of which said satisfaction has been recorded and as is based merely on conjectures and surmises. Such a consideration is unsustainable and can be routinely pressed into action for defeating the statutory objective to temporarily release a convict in terms of the provisions of the Act. Mere apprehension of the petitioner indulging in sale of contraband or of causing breach of peace would not bring the case within the ambit of Section 6(2) of the Act so as to enable the competent authority to reject the application for temporary release on parole.

2025:PHHC:079316



17. Accordingly, in view of the fact that the rejection of the claim of the petitioner for temporary release does not fall within the ambit of either of the twin grounds stipulated in Section 6 (2) of the Act besides is based on mere conjectures and surmises without there being any material to arrive on said satisfaction, we are of the considered view that the impugned order is legally unsustainable and is liable to be set aside and the petitioner held entitled to concession of eight weeks parole.”

6. Thus, keeping in view the overall facts and circumstances of the present case on the anvil of the law settled, this Court does not find the impugned order passed dated 17.04.2025 (Annexure P-4) to be sustainable in the eyes of law and hence, the same is hereby set aside.

7. The petitioner is ordered to be released on parole for a period of 04 weeks on his completing the necessary formalities, as required by the respondent-authorities, in accordance with law. The Competent Authority is directed to pass the necessary order in this regard within a period of one week from the date of receipt of certified copy of this order.

8. Petition stands allowed in the above terms.

July 04, 2025
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(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: YES
Whether Reportable: YES