



CRWP-4694-2025

1

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

116

**CRWP-4694-2025
Decided on: 28.10.2025**

Jagjit Singh alias Jagga

.....Petitioner

Versus

State Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**Present: Mr. Sumeet S. Brar, Advocate for the petitioner.**

Mr. Neeraj Madaa, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 226/227 of the Constitution of India seeking issuance of directions to the respondents to release the petitioner on eight weeks parole to meet his family members and to provide medical aid to his son, who is not psychologically fit.
2. Learned counsel for the petitioner submits that the petitioner is currently undergoing sentence in FIR No. 121 dated 08.10.2002, registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sadar, Moga, in which he was sentenced to undergo rigorous imprisonment for a period of fifteen years and to pay a fine of ₹1,00,000/-, and in default of payment of fine, to further undergo rigorous imprisonment for a period of one year. It is further submitted that during the course of his incarceration, subsequently case, FIR No. 55 dated 23.05.2021, was registered against him under Section 9 of the Punjab Good Conduct Prisoners (Temporary

**CRWP-4694-2025****2**

Release) Act, 1962, on account of his failure to surrender within the stipulated period after availing parole. In the said case, the petitioner was sentenced to undergo imprisonment for a period of six months. Learned counsel contends that except for the said instance, the petitioner has a clean record of compliance with parole conditions on nineteen previous occasions and has never misused it or attempted to abscond. Even during the COVID-19 pandemic, when he was granted parole for 414 days, he returned at the earliest possible opportunity, notwithstanding unavoidable delays due to illness and COVID-19 testing requirements.

Learned counsel further submits that the petitioner has not been able to meet his family members for a long time and that one of his two sons, Davinder Singh, aged about 25 years, is suffering from psychiatric issues and requires the personal care, support, and affection of the petitioner as his father. Petitioner's presence is also necessary to attend to household responsibilities and provide medical aid to his son.

3. Learned counsel for the petitioner submits that respondent No. 2 has rejected the petitioner's request for eight weeks' parole based on the report of Respondent No. 3, Senior Superintendent of Police, Moga. The report highlighted the petitioner's involvement in other cases, including previous instance of 59 days delayed surrender after availing parole in the year 2020. Resultantly, a case under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, was faced and for that he was punished also. Therefore, vide order dated 29.08.2025 (Annexure R-2), request to release on parole has been rejected.



CRWP-4694-2025

3

4. Learned counsel argues that undoubtedly, petitioner is an accused/convict in four criminal cases. However, in two of the cases, substantive sentence period has already been completed; in one case, the sentence and fine are still pending; and in the remaining case, petitioner has been acquitted. The details of the cases, as mentioned in the reply filed by the respondents, are as follows:

i) **FIR No. 120 dated 07.10.2002** – Convicted under Section 15 of the NDPS Act; substantive sentence period completed, however fine pending.

ii) **FIR No. 225 dated 23.08.2012** – Convicted under Section 21 of the NDPS Act; substantive sentence period completed, however fine pending.

iii) **FIR No.55 dated 23.05.2021, under Section 9 of the Punjab Good Conduct Prisoners (Temporary Release Act)** – Sentence and fine pending.

iv) **FIR No. 127 dated 03.11.1997 under Section 15 of NDPS ACt** – Petitioner acquitted on 10.02.2021.

5. Further argues that involvement of a prisoner in number of criminal cases should not be taken as a ground for rejection of request to release on parole.

Counsel submits that the Division Bench of this Court on several occasions dealt with the provisions of Section 3 of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. In '*Kulwinder Singh alias Taina Vs. State of Punjab and others*' 2024 NCPHC 62430; Law Finder Doc Id #2592372, '*Sukhjinder Singh Sukhi Vs. State*



CRWP-4694-2025

4

of Punjab and others' (CRWP-10281-2024; Date of Decision: 23.10.2024), and '*Ajaib Khan Vs. State of Punjab and other,*' 2019 SCC Online P&H 3133, held that temporary parole cannot be rejected merely on the ground that the petitioner is a convict or is involved in many criminal cases or on a whimsical ground that he may disturb the peace of the society, though without any basis.

In *Kulwinder Singh's case (supra)*, Division Bench held that by releasing on parole, every prisoner develops a sense and hope of life with a view to rehabilitate himself in the society and same is the paramount object of granting and releasing of the convict on parole. Moreover, maintaining continuity together with his family, friends and community would also help the convict to come out of mental agony and distress on account of continuing imprisonment within four walls of the jail.

Relevant observations made in paragraph No.9 and 10 of the said judgment are reproduced herebelow:

9. It is settled position that normally temporary release on parole or furlough, as may be, is to be granted but can be declined, in case releasing authority is of the view that such release would be dangerous to security of the State or maintenance of public order. Section 6(2) of the Act provides for the same. Section 6 of the Act reads as under :-

“6. Cases where consultation with District Magistrate not necessary or where prisoners are not to be released.-



Notwithstanding anything contained in sections 3 and 4

-

(1) it shall not necessary to consult the District Magistrate where the State Government is satisfied that the prisoner maintained good conduct during the period of his earlier release under any of the aforesaid sections; and

(2) no prisoner shall be entitled to be released under this Act, if on the report of the District Magistrate, where consultation with him is necessary, the State Government or an officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the State or maintenance of public order.”

*10. Objectives of parole are twofold i.e. rehabilitation of offender and protection of society. The main purpose of parole is that prisoner can maintain continuity together with his family, friends and community and at the same time to save prisoner from harmful effects of continuous prisoner life. Parole enables a prisoner to develop a feeling of self confidence that there is a life beyond prison. It helps prisoner to develop a sense of hope and active interest in his life with a view to rehabilitate the prisoner. Competent authority can always impose sufficient and necessary conditions while granting parole. Gainful reference at this stage can be made to the judgment of Coordinate Bench in “**Bansi Lal versus State of Punjab & Others**”, 2016(4) **R.C.R. (Criminal) 1017**, where it was observed as under :-*

“11. During incarceration of a prisoner in jail after his conviction he is entitled for temporary release on parole which though is a concession and not a right.



However, in order to reform a prisoner a periodic temporary release on parole for short duration is necessary. This is a welfare measure in the interest of a prisoner

xx xx xx xx

15. The term 'Security of the State' out of the expressions of 'law and order', and 'public order' is considered more grave. It may arise from within or outside the State. It is generally understood as an act of aggression from outside, or militant and terrorists operations engineered by foreign agencies. It can also be effected by passing of classified information like documents, secrets, maps etc. to foreign countries or through undesirable foreign links. An act which poses a threat to the State is to be considered as a threat affecting the security of the State. 'Public order', however, is synonymous with public safety. It is something more than mere law and order. Every breach of peace does not lead to public disorder. Maintenance of public order is intended to prevent grave public disorder, which is not the same as maintenance of law and order. The latter is comparatively of a lesser gravity and in fact of local significance. An act which does not affect the public at large or has no impact on it, is not to be taken as an act affecting maintenance of public order. The distinction between law and order and public order is one of degree and extent of reach of the act in question on society. In the case of breach of law and order it affects individuals directly involved as



distinct from the public at large. This would raise a law and order problem only. The true test is the potentiality of the act in question. One act may affect some individuals and local persons while another though of a similar nature may impact the public at large. An act which disturbs the even tempo of life of the public at large affects the maintenance of public order. These aspects are to be considered by the concerned District Magistrates and competent authorities under Act while deciding to recommend or not to recommend the temporary release of a prisoner on parole and/or passing orders for temporary release by the competent authorities under the Act. The exercise is not to be lightly conducted and the concerned District Magistrate and/or the competent authorities are to apply their mind on the basis of inputs received by them for recommending or passing an order as the case may be for temporary release of prisoners on parole.”

Similarly, in ‘**Sukhjinder Singh Sukhi Vs. State of Punjab and others (supra)**, the convict was an accused and total nine cases were registered against him, but this Court considered that parole is a valuable right and is a significant step towards reformation of the accused. It is imperative to consider that a convict is also required to maintain his contact with the society, which would facilitate in his reformation as a responsible citizen at the time of his release after completion of sentence.

In **Ajaib Khan’s case (supra)** need of parole was realised by this Court in a case of a convict who was marked and identified as ‘**B**’ **category Gangster** despite being involved in several cases.

**CRWP-4694-2025****8**

By referring to the above details, learned counsel prays for release of the petitioner on parole for a period of eight weeks.

6. On the other hand, learned State counsel submits that petitioner is involved in multiple number of criminal cases and has been convicted also under the NDPS Act. Further submits that the petitioner has a history of non-compliance of the parole conditions, having remained abscond for a period of 59 days, when he was released on parole vide order dated 07.04.2020. Even a case under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 was faced by him and than, had to undergo sentence period also.

Learned State counsel further submits that the petitioner's release on parole at this stage may pose a risk to public order, therefore, prays for the dismissal of the present petition.

7. Having considered the rival submissions and the material available on record, this Court finds that except for one instance in the year 2020, when the petitioner could not surrender within the stipulated period, his conduct during all previous releases on parole has remained satisfactory. The said lapse has already been addressed separately through the registration of FIR No. 55 dated 23.05.2021 under Section 9 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, in which the petitioner was convicted and sentenced to undergo an additional term of six months' imprisonment. Thus, petitioner has already suffered the consequence of his default. To deny him parole again on the very same ground would amount to subjecting him to double jeopardy for the same



CRWP-4694-2025

9

lapse, which is impermissible in law. Considering that petitioner has otherwise not misused the concession of parole on nineteen previous occasions and keeping in view the humanitarian consideration of his son’s illness, this Court is of the view that petitioner deserves to be granted temporary release.

Accordingly, present petition is allowed and it is directed that the petitioner be released on parole for a period of **eight weeks** from the date of his release to the satisfaction of learned District Magistrate concerned or any other authority concerned as per Rules. It is further directed that while releasing the petitioner on parole the conditions would be imposed as required in the jail manual towards the ends of securing the presence of the petitioner in jail after the completion of the parole period and also for the reason that the concession of temporary release may not be misused by the convict.

Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

October 28, 2025
rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**