



CRWP-4861-2025

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

CRWP-4861-2025**Date of Decision:-01.09.2025****Gurtej Singh.**

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Karandeep Singh Sidhu, Advocate for the Petitioner.

Mr. M.S. Toor, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Article 226 and 227 of the Constitution of India is for the issuance of a writ in the nature of Certiorari seeking quashing of the order dated 17.02.2025 passed by Deputy Commissioner-cum-District Magistrate, Ludhiana (Annexure P-2) whereby the application moved by the petitioner for grant of temporary release (Parole) of the petitioner has been rejected with a further prayer that a writ of Mandamus be issued directing the respondent to release the petitioner on Parole for a period of 08 weeks who is undergoing sentence of 10 years along with fine of Rs.1,00,000/- in case FIR No.115 dated 02.10.2017 under Sections 15/27A of NDPS Act Police Station Koom Kalan, District Ludhiana.

2. The brief facts of the case are that FIR No.115 dated 02.10.2017 under Sections 15/27A of NDPS Act Police Station Koom



Kalan, District Ludhiana came to be registered against the petitioner. He came to be convicted and sentenced by the Judge, Special court, Ludhiana vide judgment of conviction and order of sentence dated 22.09.2023 as under:-

Sr. No.	Offence	Imprisonment	Fine	In Default of Payment of Fine
1.	Section 15 NDPS Act	RI for 10 Years	Rs.1,00,000/-	RI for 01 Year

3. Thereafter the petitioner preferred an appeal against the judgment of conviction bearing CRA-S-2887-2023 titled as Gurtej Singh & Ors Vs. State of Punjab and the same was admitted by this Court vide order dated 09.10.2023.
4. The petitioner moved an application for the grant of Parole. The said application was declined by the respondent no.2 i.e. District Magistrate, Ludhiana vide order dated 17.02.2025 (Annexure P-2) which was conveyed to the petitioner through the Superintendent Central Jail, Ludhiana.
5. It is the order dated 17.02.2025 (Annexure P-2) which is under challenge in the present petition.
6. The Counsel for the petitioner contends that the application of the petitioner for grant of Parole was declined on the ground that the petitioner may commit a crime again after coming on Parole and there is a risk of disturbance of peace and order in case Parole of 08 weeks is granted. It is his contention that the reasoning adopted by the District Magistrate, Ludhiana is fallacious in as much as there is absolutely no evidence that the petitioner if granted Parole would commit some offence. In fact quite to the contrary, the petitioner was granted the concession of regular bail and during the period of 5-1/2 years while he was on bail, no offence was committed by



him. This court in case bearing **CRWP-2329-2024 titled as Mehtab Vs. State of Haryana & Ors. Decided on 03.09.2024** held that if Parole is to be declined on the grounds that there is an apprehension of the convict committing an offence in question while on Parole, some specific incident must be pointed out. In the instant case no such incident has been adverted to while the petitioner remained on bail. He thus contends that 08 weeks Parole be granted to the petitioner.

7. The Counsel for the State on the other hand contends that there is an apprehension that the petitioner would commit some offence if he comes out on Parole and there is apprehension of breach of peace. Therefore, the claim of the petitioner has been rightly rejected.

8. I have heard counsel for the parties.

9. In **Mehtab's case (supra)** this Court held as under:-

“8. From the perusal of impugned order, it is borne out that the sole ground taken for rejection of parole to the petitioner is that his release might cause disruption of public peace and he can commit some other crime, as he is having enmity with some persons. However, solely on this ground prayer of the petitioner cannot be rejected, as he is seeking his release on parole in order to meet his family i.e. mother, wife and two children. Moreover, in the reply filed on behalf of the respondents, no specific incident has been indicated, which could lead to a conclusion that there will be disruption of public peace, in case the petitioner is released on parole.

9. In view of the above, we set aside the impugned order dated 22.02.2024 (Annexure P-1) and grant 04 weeks' parole to the petitioner commencing from the date of release,



subject to his furnishing fresh bonds to the satisfaction of the competent authority/Chief Judicial Magistrate/Duty Magistrate concerned. The period of 04 weeks shall be counted from the date of his release. The releasing Court/Duty Magistrate shall also notify the dates of release and surrender of the petitioner. The petitioner shall surrender before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate. After surrender, the petitioner shall furnish a surrender certificate.”

10. A perusal of the aforementioned judgment would show that the prayer of the petitioner for grant of Parole cannot be rejected only on the ground that there is a risk of disturbance of peace and order and that he would commit the offence while on Parole unless there is some specific incident pointed out in the impugned order or some specific act or conduct on the part of the petitioner on any earlier occasion when he was either on bail or had been granted the concession of parole.

11. In the instant case a perusal of the impugned order would reveal that the same has been passed mechanically stating that the petitioner would commit a crime after coming out on Parole and there was risk of disturbance of peace and order. The said conclusion has been arrived at without any evidence whatsoever.

12. In view of the above, I find considerable merit in the present petition and the same stands allowed. The order dated 17.02.2025 (Annexure P-2) passed by concerned authority stands quashed and the petitioner is ordered to be released on Parole for a period of **08 weeks** on the conditions to be imposed by the Trial court. The period of 08 weeks shall be counted from the date of his release. The releasing Court/Duty Magistrate



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shall also notify the dates of release and surrender of the petitioner. The petitioner shall surrender before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate. After surrender, the petitioner shall furnish a surrender certificate.

(JASJIT SINGH BEDI)
JUDGE

September 01, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>