



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

CRWP-5064-2025

Date of Decision: 05.08.2025

Satyam Kumar @ Shivam

....Petitioner

versus

The State of UT, Chandigarh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE SUBHAS MEHLA**

Present: Mr. Ujwal Anand, Advocate
for the petitioner.

Mr. Dhruv Dayal, Additional Public Prosecutor
For UT, Chandigarh.

Deepak Sibal, J.

1. Challenge through this petition is to the order dated 25.04.2025, passed by the Inspector General of Prisons, U.T., Chandigarh (for short – the IG) rejecting the petitioner’s application for the grant of parole.

2. On 30.04.2021, an FIR bearing No.60 dated 30.04.2021, was registered at Police Station - Sector 11, Chandigarh accusing the petitioner for having committed offences under Section 376(3) IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short – the POCSO Act). After investigation, the Investigating Agency filed its report under Section 173 Cr.P.C., on the basis whereof the petitioner was charged by the trial Court. A trial ensued, on the culmination of which, through judgment dated 20.09.2023,



passed by the Judge, Fast Track Special Court, Chandigarh, the petitioner was convicted under Section 376 (3) IPC and Section 4 of the POCSO Act and accordingly, he was sentenced to undergo rigorous imprisonment for 20 years and to pay fine of Rs.30,000/- and in default of payment of fine, to undergo rigorous imprisonment for a further period of one year.

3. While undergoing the afore sentence, in the year 2023, the petitioner made an application for the grant of parole, to the respondent authorities, under Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short - the Act). Since the petitioner was the original resident of district Bhagalpur, Bihar, the respondent authorities sought comments on the petitioner's application for parole from the District Magistrate, Bhagalpur, Bihar (for short – the DM, Bhagalpur). Through a communication dated 15.04.2025 the DM, Bhagalpur forwarded to the Assistant Inspector General of Police, Prisons, Chandigarh a copy of the letter dated 07.03.2025 from the Chief Probation Officer, Home Department (Prisons and Rehabilitation Services), Nalgonda (for short – the CPO), as per which the CPO had recommended the grant of parole to the petitioner. In spite of the same, through the impugned order dated 25.04.2025, the IG rejected the petitioner's prayer for parole.

4. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

5. At the time of his conviction, the petitioner was about 21 years old. He does not have any other criminal antecedents. As on date he has undergone actual custody of 04 years, 03 months and 05 days. It also remains undisputed that while in custody his conduct has been good.



6. Since the petitioner was an original resident of District Bhagalpur, Bihar, on the petitioner's application for the grant of parole, comments were sought by the respondent authorities from the DM, Bhagalpur. The DM, Bhagalpur got the matter investigated through the concerned Chief Probation Officer and forwarded the investigation report of the CPO dated 07.03.2025 to the IG. The relevant extract from the report of the CPO which was forwarded to the IG by the DM, Bhagalpur is reproduced below for ready reference:-

“Summary of investigation: The prisoner is the eldest son of a poor farm labourer who went to Punjab to earn money. Earlier his father also used to go to Punjab for work and currently his brother also works in Chandigarh. Apart from parents and brother, the family also has two younger sisters and an old grandmother. The people in the neighbourhood told that the prisoner's family lives peacefully in the village and they have no information about the prisoner being involved in any criminal act in the past. The local public representatives of the village say that there will be no problem in the village society due to the prisoner coming to the village during the parole period as the victim's family is not a resident of this village. The family of the accused is very upset with the eldest son of the family being in jail at this age and is anxiously waiting for him to come home on parole leave. The family says that they will get their daughter married when the prisoner comes home on parole leave. They say that he will fully follow the conditions of parole.

Recommendation of the Probation Officer: - In the light of above facts, favourable recommendation is made for parole leave of 28 days to the prisoner Shivam Kumar alias Shiva.

*(Upgraded) Chief Probation Officer
Home Department Prisons and Correctional Services
Navgachiya”*

(emphasis supplied)



7. Thus, the DM, Bhagalpur, by forwarding to the IG, the afore referred report of the CPO had made favourable recommendation for granting parole to the petitioner. However, a perusal of the impugned order passed by the IG reveals that the petitioner's prayer for parole was rejected by the IG by "relying" on the report of the DM, Bhagalpur. Since the DM, Bhagalpur had forwarded to the respondent authorities a report by the CPO which had recommended the petitioner's release on parole, it is clear that the IG passed the impugned order in the most casual manner and without any application of mind which is least expected from a senior officer of the rank of the IG.

8. In the light of the above, the impugned order is set aside and since there is no other reason brought on record by the respondents as to why the petitioner should be denied parole, in the light of the recommendations made by the CPO and DM, Bhagalpur, we direct the release of the petitioner on parole for a period of 28 days from the date of his release. However, the same would be subject to his furnishing adequate surety to the satisfaction of the competent authority.

9. The petition is allowed in the above terms with costs which are quantified at Rs.10,000/- to be borne personally by the officer who passed the impugned order dated 25.04.2025.

(Deepak Sibal)
Judge

05.08.2025
gk

(Subhas Mehla)
Judge

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No