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

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CRWP-5405-2025 (O&M)
Date of decision: 23.05.2025

Manjeet Singh @ Mani**...Petitioner****Versus****U.T., Chandigarh and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Gurbir Singh Sandhu, Advocate
for the petitioner.

Mr. J. S. Toor, Addl. P.P., U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Article 226 of the Constitution of India read with Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (*for short 'Act, 1962'*), the petitioner has made prayer for issuing in the nature of mandamus thereby directing the respondents to release him on temporary parole in order to enable him to meet his family members.

2. The petitioner has been convicted in case arising out of FIR No. 354 dated 02.10.2018, registered under Section 22 of the NDPS Act, 1985 at Police Station Sector 34, Chandigarh and is undergoing rigorous imprisonment for a period of 10 years. He has filed an appeal against the judgment of conviction, which is pending before this Court.

3. It is submitted by learned counsel for the petitioner that he is the only male member in his family. There is no one in the family to take care of

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his minor son and wife. In order to take care of them and to meet them, the petitioner had applied for grant of parole but the same has been declined by respondent No. 3-District Magistrate, Ludhiana on the basis of the report submitted by the Senior Superintendent of Police, Khanna on the ground that in case the petitioner is released on parole, he can again involve in similar offences. The prayer of the petitioner for grant of parole has been declined by the respondents without assigning any specific reason and solely on the basis of the report of SSP, Khanna, which is based on flimsy grounds. It is further argued that the petitioner is even ready to furnish heavy amount of bonds and will also abide by the terms and conditions to be imposed upon him in the eventuality of him being granted parole.

4. On the other hands, learned Additional P.P., U.T., Chandigarh has argued that there is no illegality in the impugned order. The petitioner has rightly been denied parole as there were chances of his indulging in similar offences again. He has prayed for dismissal of the petition.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. Section 3 of the Act, 1962 provides for temporary release of any prisoner on being satisfied of the circumstances as mentioned therein and for the period as mentioned in Section 3 sub-section (2) of the Act, 1962. In the instant case, the prayer made by the petitioner for temporary release on parole had been declined by the respondent-authorities only on the ground that if he is released on parole, he might again indulge in similar offences. There is no basis for the plea as taken in the impugned order that the petitioner may

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smuggle drugs if extended benefit of temporary release on parole. It is not the case of the respondents that he is not otherwise entitled to be extended the said benefit. It is well settled that it is necessary for a convict to maintain his contact with society and his family so as to enable his reformation and transform him into a responsible citizen on his release. In view of the same, it is held that this petition deserves to be allowed. The same is accordingly allowed.

7. The respondents are directed to release the petitioner on temporary parole of a period of 25 days, which will commence from the date of his actual release from the jail, subject to his furnishing sufficient bonds in terms of statutory provisions to the satisfaction of the competent authority, who would also impose requisite conditions to ensure that the temporary release is not misused. The petitioner shall also undertake to maintain peace and good behavior during this period. He shall surrender back to jail after immediately expiry of the period of his temporary parole.

23.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No