

2025:PHHC:077885



214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-5403-2025
Date of Decision: 02.07.2025

Gurmit Singh @ Gurmeet Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. L.S. Sekhon, Advocate
for the petitioner.

Ms. Simran Goria, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition under Article 226 of the Constitution of India read with Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 is for issuance of writ in the nature of certiorari to set aside the impugned order dated 10.04.2025 passed by respondent No.2 and further issuance of writ in the nature of mandamus directing the respondents to release the petitioner on parole for a period of eight weeks.

2. Learned counsel for the petitioner submits that the petitioner is confined in Central Jail, Faridkot and is undergoing life imprisonment in FIR No.179 dated 10.09.2003 under Sections 302/323/325/449 of IPC, 1860, Police Station Dharamkot, District Moga. He was acquitted by the learned trial Court but the respondent-State had preferred an appeal bearing CRA-D-569-DBA of 2005 before this Court against the acquittal and this Court vide judgment dated 16.12.2022 set aside the acquittal of the petitioner and thereafter, the petitioner

is serving the sentence of life imprisonment at Central Jail, Faridkot. He submits that the petitioner has filed an application for the grant of parole for eight weeks to meet his family members and regarding some domestic work. However, without appreciating his grievance, the application filed by the petitioner has been rejected in a mechanical manner by way of passing the impugned order dated 10.04.2025 (Annexure P-1) on the ground that consent for parole release of the petitioner was not given by the residents of the locality and no resident had agreed to take the responsibility for the same. He has submitted that the impugned order has been passed on the premise that if the petitioner is released on parole, he could create an unpleasant situation and no resident in the area is ready to take his responsibility during his parole. It is submitted that time and again, this Court has held that apprehension of breach of peace, is no ground for rejecting the prayer for grant of parole.

3. In compliance of the previous order, reply dated 01.07.2025 has been filed by the State by way of affidavit of Mr. Iqbal Singh Dhaliwal, PPS, Superintendent, Central Jail, Faridkot on behalf of respondent No.4, which is taken on record. Copy of the same has been supplied to the counsel for the petitioner. She opposed the prayer made by the learned counsel for the petitioner.

4. It has been submitted by learned State counsel that the petitioner is a habitual offender as he is undergoing life imprisonment. He thus submits that the petitioner has no justifiable cause seeking parole. As such his application for grant of parole has been rightly declined.

5. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is undergoing life sentence. The precise reason for rejecting his parole is that the consent was not given by the

neighbours as well as local police objected to the same. This ground can never be justifiable for rejecting the application filed by any accused for grant of parole. He has every right to meet his family members. In the facts and circumstances of the present case, this Court is of the opinion that parole application of the petitioner, who is undergoing life imprisonment, cannot be rejected on the technical 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.

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, in view of the observations made in **Avdesh Kumar’s (supra)**, the application of the petitioner for parole deserves to be considered afresh. Thus, the impugned order dated 10.04.2025 is set aside. Respondent-authorities are directed to pass a fresh order after considering the observation made above as well as law settled in this respect within a period of four weeks from the date of receipt of copy of this order.

7. The petition stands disposed of in above-said terms.

02.07.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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