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

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CRWP-5464-2025 (O&M)
Date of decision: 28.05.2025

Dilshad Malik @ Kala**...Petitioner**

Versus

U.T., Chandigarh and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Abhijeet Singh Rawaley, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Article 226 of the Constitution of India seeking quashing of order dated 11.03.2025, passed by respondent No. 2-Inspector General of Prisons, Chandigarh, whereby an application moved by him for grant of parole has been dismissed.

2. Learned counsel for the petitioner submits that he had been convicted in three cases under Sections 379-A and 411 of IPC and is undergoing sentence awarded to him in Model Jail, Chandigarh. He has moved an application for grant of temporary parole for 28 days for attending the engagement ceremony of his sister, which is fixed for 10.06.2025, but the same has been dismissed by respondent No. 2 by passing the impugned order. The primary ground for declining the prayer made by the petitioner was the non-recommendation of his case by the District Magistrate, Chandigarh based on report made by the Senior Superintendent of Police, Chandigarh wherein it was reported that the petitioner was dangerous to the security of the State and

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prejudicial of the maintenance of the public order. However, a perusal of the impugned order would show that no reasons whatsoever have been given to support the grounds taken by the respondents. It is, thus, urged that the present petition deserves to be allowed, the impugned order is liable to be set aside and the petitioner deserves to be granted temporary parole for the period he had applied for.

3. Reply has been filed by the respondent-U.T., Chandigarh. It is submitted therein and learned Public Prosecutor, Chandigarh has argued that there is no infirmity or illegality in the impugned order and the application of the petitioner for grant of temporary parole has rightly been dismissed because the District Magistrate, Chandigarh had not recommended the release of the petitioner on parole, which was based on the report of the Senior Superintendent of Police, Chandigarh to the effect that the petitioner's release on parole was likely to endanger the public order and the security of the State. It is, therefore, urged that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

5. On a careful perusal of the impugned order dated 11.03.2025, it is revealed that besides mentioning about the report by the District Magistrate, Chandigarh, which was in fact based on the information supplied by the Senior Superintendent of Police, Chandigarh, no further details or reasons have been given while declining the prayer made by the petitioner-convict, as to how his release on parole would endanger the security of the State or the maintenance of the public law and order. It is well settled that the authorities concerned, while dealing with such like matters, cannot act in a mechanical

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manner without even referring to the substantive material forming basis for declining the prayer of the convicts. Reference can be made to the authority cited as ***Jassa Singh @ Jassa v. State of Punjab, 2016 (5) RCR (Criminal) 522***, wherein a Division Bench of this Court had observed that the parole is not liable to be denied on mere recording that prisoner on release would engage in smuggling activities causing danger to security of the country. Similar view was taken by the Division Bench of this Court in ***Jugraj Singh @ Bhola v. State of Punjab and other, 2010 (25) RCR (Criminal) 138***, wherein it was observed that until and unless sufficient material is available with the authorities giving solid reasons for declining the temporary release of a convict on parole, this benefit should not be declined to him. The relevant portion of the said judgment is reproduced under :-

“In our opinion, the release of a convict on parole is a wing of reformatory process. Section 3 of the Act has been enacted as a reformatory measure with an object to enable the prisoner to have family association or to perform certain family obligations and rituals. Until and unless sufficient material is available with the authorities giving solid reasons for declining the temporary release of a convict on parole, this benefit should not be declined to him.”

6. Reference can also be made to the authority cited as ***Jeet Singh v. State of Punjab, 2020(3) R.C.R.(Criminal) 516***, wherein a coordinate Bench of this Court had held that in the absence of any material to support the apprehension, parole cannot be denied on mere likelihood of involvement in similar offence while on parole as it can not be taken as an active and real apprehension of threat to the security of the State or to the maintenance of public order.

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7. In view of the discussion as made above, it is apparent that the parole cannot be denied to the petitioner merely on the grounds as taken by the respondents in the impugned order. Although, learned Public Prosecutor has raised an objection that the petitioner, on being released on parole, may indulge in illegal activities but the same alone cannot be made a ground to reject his claim for parole to attend the engagement of his sister, which in fact has been verified by the police and has been found to be true. The release of a convict on parole is a wing of reformatory process. The Act has been enacted as a reformatory measure with an object to enable the prisoner to have family association or to perform certain family obligations and rituals. Until and unless sufficient material is available with the authorities giving solid reasons for declining the temporary release of a convict on parole, this benefit should not be declined. Accordingly, the present petition is allowed. The impugned order is set aside. The petitioner is ordered to be released on parole for a period of 15 days, commencing from 05.06.2025, on furnishing of requisite personal and surety bonds to the satisfaction of the District Magistrate concerned, who is directed to impose such conditions as may be considered necessary to secure the presence of the petitioner in jail after the parole period is over and to ensure that the temporary release is not misused with a clear stipulation that in case the petitioner commits any offence during his period of temporary release, his release warrants would be cancelled forthwith.

28.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No