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

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Decided on: 27.08.2025

Rani Kaur

.....Petitioner

Versus

**State of Punjab, Through Addl. Chief Secretary, Department of
Home affairs**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. P.S. Sekhon, Advocate and
Mr. Rajdeep Singh Gill, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed under Article 226 of the Constitution of India read with Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, seeking issuance of a writ in the nature of certiorari to set aside the impugned order dated 30.04.2025 passed by the learned District Magistrate, Moga (respondent No. 2), whereby the request of the petitioner, Rani Kaur, aged 50 years (Prisoner No. 2500/147), for release on parole for a period of eight weeks was rejected.



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Accordingly, petitioner has also prayed for her release on parole, as originally requested in her application.

2. Learned counsel for the petitioner submits that petitioner is mother of four children and worked as a labourer before her confinement in the jail. She belongs to a poor family and now seeks release on parole primarily to socialize and meet her family members. Request for parole has been declined by respondent No. 2, against the settled proposition of law. While rejecting the claim of parole no substantial reason has been assigned except of observing that petitioner may reoffend or abscond from the clutches of law. For giving such reason in the impugned order, Authority has relied upon the so-called secret sources though there is no substance with the Authority to confirm the information having been supplied by such sources. Surprisingly, without there being any declaration by the socially known institute, petitioner has been marked a person of bad reputation, who is repeatedly involved in violating law. Apprehension has been expressed by respondent No.2 that if petitioner is released on parole she may again get indulged in the illegal sale of narcotics. Therefore, to take strick measures and to combat the drug menace, respondent No. 2 expressed its dissatisfaction by emphasizing the importance of breaking the chain of drug peddlers and to protect future generations from such influences.

Learned counsel for the petitioner further submits that, although petitioner is involved in approximately five cases, the details

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and status of the cases have been set out in paragraph 9 of the petition and are reproduced here for reference:

“9. That the petitioner has four children and she was labourer by profession. The petitioner belongs to a poor family and now she wants to socialize and meet her family members. The petitioner is involved in 05 other cases and the detail of the said cases is as following:

Sr. No.	FIR	Dated	Under Sections	Police Station	District	Remarks
1	57	15.04.2016	22 of NDPS Act, 1985	Dharamkot	Moga	Convicted but sentence suspended
2	161	03.08.2017	22 of NDPS Act, 1985	Dharamkot	Moga	convicted
3	152	11.08.2019	22 of NDPS Act, 1985	Dharamkot	Moga	Convicted
4	09	14.04.2010	15 of NDPS Act, 1985	Ajitwal	Moga	Convicted and undergone
5	162	18.08.2019	21 and 29of NDPS Act, 1985	Dharamkot	Moga	On bail

3. However, by referring to the judgment of the Hon’ble Division Bench of this Court in the case titled ***‘Kulwinder Singh @ Taina vs. State of Punjab and Others’*** 2024 (3) Law Herald 872, Law Finder Doc ID #2592372, and the judgment of this Court in ***‘Karanpreet Singh alias Giana alias Fateh vs. State of Punjab and Others’***, passed in ***CRWP-344-2025, decided on 01.03.2025***, learned counsel submits that in view of the purpose behind granting parole as a rehabilitative measure, the petitioner ought to be released on parole for a period of eight weeks. Accordingly, prays for quashing of the impugned order.



4. On the other hand, learned State counsel submits that the details of the pending cases clearly show that the petitioner is not an ordinary convict, being involved in more than one case, totaling five cases. It is further submitted that, although some of these cases have been finalized and appeals are pending. Fact remains that petitioner is an habitual offender. Her release on parole would be detrimental to public peace, as she may again get involved in similar offences or promote the already increased use of drugs in society. Therefore, learned State counsel prays for dismissal of the present petition.

5. I have considered the submissions and examined the details of all the cases along with their current status. This Court notices that there are judgments by the Hon'ble Division Bench and Single Benches of this Court where, a liberal view has been taken regarding the grant of parole to a convict, even when the individual is involved in multiple cases.

6. The Division Bench of this Court on several occasions dealt with the provisions of Section 3 of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. In '**Kulwinder Singh alias Taina Vs. State of Punjab and others**' 2024 NCPHHC 62430; Law Finder Doc Id #2592372, '**Sukhjinder Singh Sukhi Vs. State of Punjab and others**' (CRWP-10281-2024; Date of Decision: 23.10.2024), and '**Ajaib Khan Vs. State of Punjab and other**,' 2019 SCC Online P&H 3133, held that temporary parole cannot be rejected merely on the ground that the petitioner is a convict or is involved in many criminal cases or on a



whimsical ground that he may disturb the peace of the society, though without any basis.

In *Kulwinder Singh's case (supra)*, Division Bench held that by releasing on parole, every prisoner develops a sense and hope of life with a view to rehabilitate himself in the society and same is the paramount object of granting and releasing of the convict on parole. Moreover, maintaining continuity together with his family, friends and community would also help the convict to come out of mental agony and distress on account of continuing imprisonment within four walls of the jail.

Relevant observations made in paragraph No.9 and 10 of the said judgment are reproduced herebelow:

9. It is settled position that normally temporary release on parole or furlough, as may be, is to be granted but can be declined, in case releasing authority is of the view that such release would be dangerous to security of the State or maintenance of public order. Section 6(2) of the Act provides for the same. Section 6 of the Act reads as under :-

“6. Cases where consultation with District Magistrate not necessary or where prisoners are not to be released.-

Notwithstanding anything contained in sections 3 and 4
- (1) it shall not necessary to consult the District Magistrate where the State Government is satisfied that the prisoner maintained good conduct during the



period of his earlier release under any of the aforesaid sections; and

(2) no prisoner shall be entitled to be released under this Act, if on the report of the District Magistrate, where consultation with him is necessary, the State Government or an officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the State or maintenance of public order.”

*10. Objectives of parole are twofold i.e. rehabilitation of offender and protection of society. The main purpose of parole is that prisoner can maintain continuity together with his family, friends and community and at the same time to save prisoner from harmful effects of continuous prisoner life. Parole enables a prisoner to develop a feeling of self confidence that there is a life beyond prison. It helps prisoner to develop a sense of hope and active interest in his life with a view to rehabilitate the prisoner. Competent authority can always impose sufficient and necessary conditions while granting parole. Gainful reference at this stage can be made to the judgment of Coordinate Bench in “**Bansi Lal versus State of Punjab & Others**”, **2016(4) R.C.R. (Criminal) 1017**, where it was observed as under :-*

“11. During incarceration of a prisoner in jail after his conviction he is entitled for temporary release on parole which though is a concession and not a right. However, in order to reform a prisoner a periodic temporary release on parole for short duration is necessary. This is a welfare measure in the interest of a prisoner



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15. The term 'Security of the State' out of the expressions of 'law and order', and 'public order' is considered more grave. It may arise from within or outside the State. It is generally understood as an act of aggression from outside, or militant and terrorists operations engineered by foreign agencies. It can also be effected by passing of classified information like documents, secrets, maps etc. to foreign countries or through undesirable foreign links. An act which poses a threat to the State is to be considered as a threat affecting the security of the State. 'Public order', however, is synonymous with public safety. It is something more than mere law and order. Every breach of peace does not lead to public disorder. Maintenance of public order is intended to prevent grave public disorder, which is not the same as maintenance of law and order. The latter is comparatively of a lesser gravity and in fact of local significance. An act which does not affect the public at large or has no impact on it, is not to be taken as an act affecting maintenance of public order. The distinction between law and order and public order is one of degree and extent of reach of the act in question on society. In the case of breach of law and order it affects individuals directly involved as distinct from the public at large. This would raise a law and order problem only. The true test is the potentiality of the act in question. One act may affect some



individuals and local persons while another though of a similar nature may impact the public at large. An act which disturbs the even tempo of life of the public at large affects the maintenance of public order. These aspects are to be considered by the concerned District Magistrates and competent authorities under Act while deciding to recommend or not to recommend the temporary release of a prisoner on parole and/or passing orders for temporary release by the competent authorities under the Act. The exercise is not to be lightly conducted and the concerned District Magistrate and/or the competent authorities are to apply their mind on the basis of inputs received by them for recommending or passing an order as the case may be for temporary release of prisoners on parole.”

Similarly, in ‘**Sukhjinder Singh Sukhi Vs. State of Punjab and others (supra)**, the convict was an accused and total nine cases were registered against him, but this Court considered that parole is a valuable right and is a significant step towards reformation of the accused. It is imperative to consider that a convict is also required to maintain his contact with the society, which would facilitate in his reformation as a responsible citizen at the time of his release after completion of sentence.

In **Ajaib Khan’s case (supra)** need of parole was realised by this Court in a case of a convict who was marked and identified as ‘**B’ category Gangster** despite being involved in several cases.

7. In view of the above, this Court deems it appropriate to quash the order dated 30.04.2025 passed by Deputy Commissioner-cum-

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District Magistrate Moga and direct that the petitioner be released on parole for a period of **eight weeks** from the date of her release to the satisfaction of learned District Magistrate concerned or any other authority concerned as per Rules. It is further directed that while releasing the petitioner on parole the conditions would be imposed as required in the jail manual towards the ends of securing the presence of the petitioner in jail after the completion of the parole period and also for the reason that the concession of temporary release may not be misused by the convict.

Accordingly, petition is allowed.

(SANJAY VASHISTH)
JUDGE

August 27, 2025
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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**