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

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CRWP-5711-2025

Date of decision:03.07.2025

Jasbir Singh @ Lucky Baba

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice Rajesh Bhardwaj

Present: Mr. Nandan Jindal, Advocate,
for the petitioner.

Mr. M.S. Toor, AAG, Punjab.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition, filed under Article 226 of the Constitution of India read with Section 3(1)(c) and (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 is for issuance of a writ in the nature of *certiorari* for quashing of the impugned order dated 23.04.2025 (Annexure P-4) passed by the District Magistrate, Amritsar, vide which request of the petitioner for grant of 8 weeks parole to him has been declined and further for issuance of a 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 was prosecuted in case FIR No.179 dated 24.08.2021, registered under Sections 21-C/29/61/85 of the NDPS Act, 1985 and Sections 25/54/59 of the Arms Act, 1959, at Police Station Sirhind, District Fategarh Sahib. After completion of trial, the petitioner was convicted and sentenced for 10 years rigorous

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imprisonment vide judgment of conviction and order of sentence dated 11.03.2024 passed by the learned Special Judge, Fatehgarh Sahib. It is submitted that the petitioner has completed 4 years of sentence and now confined in Central Jail, Bathinda. The petitioner assailed the order of his conviction and sentence by way of filing CRA-S-1704-2024, which is pending adjudication before this Court. He applied for grant of parole to the respondent-authorities; however, the same was not decided. Hence, the petitioner approached this Court by way of filing CRWP-8370-2024, which was disposed of by this Court vide order dated 28.10.2024, directing the respondent-authorities to decide his application for parole within a period of ten days thereafter. In pursuance of the order dated 28.10.2024 passed by this Court, the respondent-authorities declined his application for parole vide order dated 09.12.2024 primarily on two grounds; firstly that there are number of FIRs registered against the petitioner and secondly that there would be apprehension of State security and maintenance of public order and breach of peace. The petitioner assailed the said order dated 09.12.2024 before this Court by way of filing CRWP-108-2025. This Court, vide order dated 27.02.2025, set aside the order dated 09.12.2024 and directed the respondent-authorities to take into consideration the law settled and pass a fresh order within a period of three weeks. The respondent-authorities did not pass any order, as directed by this Court vide order dated 27.02.2025, and hence, the petitioner filed COCP-1978-2025 and the respondent-authorities filed reply to the same wherein the impugned order dated 23.04.2025 has been annexed, rejecting the prayer for grant of parole to the petitioner on the same grounds

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which were set aside by this Court vide order dated 27.02.2025 in the earlier petition bearing CRWP-108-2025.

3. It is submitted by learned counsel for the petitioner that the impugned order is totally unsustainable in the eyes of law as the same is against the spirit of law. He further submits that though the petitioner has been prosecuted in various FIRs, however, he has already been acquitted or discharged in eight of the FIRs out of nine, whereas FIR No.124 dated 10.06.2020, registered under Sections 21, 25, 61, 85 of the NDPS Act, 1985, at Police Station Kartarpur, District Jalandhar Rural pertains to the recovery of non-commercial quantity and the petitioner is on bail in the said FIR case and the trial is still going on therein. Further, he relies upon the judgments passed in **Tarlochan Singh vs. State of Punjab and others**, CRWP-2459-2011, decided on 10.02.2012 and **Ram Chander vs. State of Punjab and others**, 2017(3) RCR (CrI.) 40. He lastly submits that the impugned order deserves to be set aside being unsustainable in the eyes of law and petitioner deserves to be granted parole, as prayed for.

4. Learned State counsel, *per contra*, submits that the petitioner is a habitual offender as he is involved in various other FIRs. He further submits that the people of the area of the petitioner have refused to take responsibility of the petitioner in case of his release on parole. He, thus, submits that the prayer of the petitioner for grant of parole has been declined on the basis of the reports received and, thus, the same do not suffer from any infirmity and resultantly, the present petition deserves to be dismissed.

5. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was convicted and sentenced for 10 years

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rigorous imprisonment in case FIR No.179 dated 24.08.2021, registered under Sections 21-C/29/61/85 of the NDPS Act, 1985 and Sections 25/54/59 of the Arms Act, 1959, at Police Station Sirhind, District Fategarh Sahib, which order has been assailed by him by way of filing CRA-S-1704-2024, which is pending adjudication before this Court. The petitioner had earlier approached this Court by way of filing CRWP-8370-2024 for grant of parole, which was disposed of by this Court vide order dated 28.10.2024 while directing the respondent-authorities to decide his parole application within a period of 10 days. Thereafter, the parole application of the petitioner was declined by the respondent-authorities vide order dated 09.12.2024 and the said order was assailed by the petitioner by way of filing CRWP-108-2025, which was also disposed of by this Court by setting aside the order dated 09.12.2024 with a specific direction to the respondent-authorities to take into consideration the law settled on the issue and observed in the order passed by this Court. However, thereafter, the present impugned order has been passed declining parole application of the petitioner primarily on the grounds that the petitioner is involved in other FIRs and the people residing in area of the petitioner are not ready to take his responsibility.

6. As per the law settled, the provisions of parole are designed to bring the convicts in mainstream of the life. The prayer for grant of parole cannot be declined in a mechanical manner. The issue regarding apprehension of breach of peace etc. has already been dealt with by this Court time and again and mere pendency of other cases in itself is no ground for declining the parole of the convicts especially when the petitioner has already been acquitted or discharged in most of the cases. These grounds can never be justifiable for

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rejecting the application filed by any accused for grant of parole. The petitioner has every right to meet his family members.

7. In the facts and circumstances of the present case, this Court is of the opinion that parole application of the petitioner cannot be rejected on the mechanical 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

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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.”

8. This Court finds that the judgment relied upon by learned counsel for the petitioner in hand squarely falls within the ambit and parameters settled by judicial precedents.

9. Thus, keeping in view the overall facts and circumstances of the present case on the anvil of the law settled, this Court does not find the impugned order passed dated 23.04.2025 (Annexure P-4) to be sustainable in the eyes of law and hence, the same is hereby set aside.

10. The petitioner is ordered to be released on parole for a period of 04 weeks on his completing the necessary formalities, as required by the respondent-authorities, in accordance with law. The Competent Authority is directed to pass the necessary order in this regard within a period of one week from the date of receipt of certified copy of this order.

11. Petition stands allowed in the above terms.

July 03, 2025
vinod*

(Rajesh Bhardwaj)
Judge

Whether Speaking/Reasoned: YES
Whether Reportable: YES