



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

Date of decision: 31.07.2025

1. **CRWP-7200-2025**

KRISHNA **...PETITIONER**

V/S

STATE OF PUNJAB AND OTHERS **...RESPONDENTS**
2. **CRWP-7201-2025**

SHINDER SINGH **...PETITIONER**

V/S

STATE OF PUNJAB AND OTHERS **...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kuldip Singh, Advocate for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. This order of mine shall dispose of both the above-mentioned petitions as both the petitioners are husband and wife. For the sake of brevity, facts are borrowed from **CRWP-7200-2025** titled as ***Krishna vs. State of Punjab.***
2. Petitioners have filed this petition under Articles 226/227 of Constitution of India for issuance of directions to respondents for grant of parole for a period of 08 weeks to the petitioner and for quashing the impugned order dated 09.06.2025 (Annexure P-2) passed by Deputy Commissioner-cum-District Magistrate, Mansa, vide which, the case of the petitioners for grant of parole has been declined.



3. Learned counsel for the petitioners *inter alia* contends that the petitioners moved an application seeking their temporary release (parole) for a period of 08 weeks as provided under Section 3(1)(d) of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter to be referred as 'the Act, 1962'), for their household work as well as restoring the social ties with their old aged parents and children. Learned counsel further contends that both the petitioners are husband and wife and are incarcerated on account of their conviction in FIR No.82 dated 07.09.2021 under Section 22 of NDPS Act. The residential house of the petitioners requires certain maintenance. The case of the petitioner has been rejected by the District Magistrate in a mechanical manner on non-existing grounds. Learned counsel further refers to the impugned order (Annexure P-2) and submits that perusal thereof clearly indicates that the application of the petitioners for their temporary release has been rejected solely on the ground that aunt-in-law of petitioner-Krishna is also currently lodged in District Jail, Mansa. Further, the village *panchayat* has not recommended the case of the petitioners for temporary release. Further, it has been recorded in the impugned order that the petitioner if released on parole may indulge in drugs smuggling. Learned counsel relies upon the judgment passed by this Court in ***Shehjad vs. State of Haryana, 2017(3) Law Herald 2667*** and the judgment passed by Division Bench in ***Babwant vs. State of Haryana, 2019 (3) RCR (Criminal) 740***.

4. Notice of motion.

5. Mr. Subhash Godara, Addl. A.G. Punjab, who is present in the Court, accepts notice on behalf of respondents-State and justifies the order passed by respondent No.2 on the ground that the jurisdictional police



authorities as well as the village *panchayat* have not recommended the case of the petitioners for their temporary release and the District Magistrate has no other choice except to reject the same.

6. Having heard learned counsel for the parties and after perusal of the record of the case, it transpires that the petitioners are husband and wife and they are undergoing sentence in NDPS Act. The Division Bench of this Court in ***Ram Chander vs. State of Punjab***, has categorically held that the likelihood of committing a crime while on parole would not be a sufficient ground to deny the temporary release on parole as merely likelihood of committing a crime cannot be taken in any manner as a threat to the maintenance of public order.

7. Considering the peculiar facts and circumstances of the case and the judgments rendered by Division Benches of this Court in ***Kulwinder Singh @ Taina(supra)*** and ***Jassa Singh @ Jassa (supra)*** the both the petitions are allowed and impugned orders dated 09.06.2025 (Annexure P-2) passed by Deputy Commissioner-cum-District Magistrate, Mansa are hereby set aside, being unsustainable.

8. The petitioners are ordered to be released on parole for a period of 08 weeks from 01.08.2025 and after completion of 08 weeks i.e. on 19.09.2025 at 5:00, the petitioners shall surrender before the jail authorities.

9. Needless to say that in case, the authorities deviate from the statutory provisions and do not comply with the order passed by this Court, the petitioner would be at liberty to invoke the provisions contained under Article 215 of Constitution of India seeking contempt of the order passed by this Court.



CRWP-7200-2025
& 01 connected case

- 10. A copy of this order be given to learned State counsel for strict compliance.
- 11. A photocopy of this order be placed on the file of other connected case.

July 31, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No