



CRWP-7319-2025

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

**CRWP-7319-2025  
Date of decision:28.07.2025**

**Gurjit Singh****...Petitioner****Versus****State of Punjab and others****...Respondents****Coram : Hon'ble Mr. Justice Rajesh Bhardwaj**

Present: Mr. Karanjeet Singh Brar, Advocate,  
for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

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**Rajesh Bhardwaj, J. (Oral)**

1. Prayer in the present petitioner under Article 226 of the Constitution of India is for setting aside the impugned order dated 18.06.2025 (Annexure P-1) passed by respondent No.3, rejecting the parole case of the petitioner.

2. As per the facts of the case, the petitioner was prosecuted in a case FIR No.98, dated 23.07.2019 under Section 22(C) of the NDPS Act, 1985, registered at Police Station Tarsikka, District Amritsar and after completion of trial, the petitioner was convicted and sentenced under Section 22(C) of the NDPS Act for 10 years rigorous imprisonment with fine of Rs.1,00,000/- vide judgment of conviction and order of sentence dated 09.07.2024 passed by the learned Judge, Special Court, Amritsar. The petitioner assailed the order of his conviction and sentence by way of filing CRA-S-2683-2024, which is pending adjudication before this Court. The



petitioner applied for the grant of parole for eight weeks to the respondent-authorities, which has been declined vide order dated 18.06.2025. Hence, aggrieved by the same, the petitioner has approached this Court by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner applied under Section 3(1)d of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (Amendment Act, 2015) (for short, 'the Act') for eight weeks parole to meet his family members and to look after household affairs to respondent No.4 i.e. Superintendent of Police, Jail Department, Punjab. He submits that respondent No.4 had recommended the grant of eight weeks parole to the petitioner and the same was duly forwarded to respondent no.2 i.e. Director General of Police, Jail Department, Punjab and respondent No.3 i.e. District Magistrate, Amritsar. He has further submitted that case of the parole of the petitioner is governed by the provisions of the Act and as per Section 3(1)(d) of the Act, he is entitled to the grant of parole. It is submitted that respondent No.3 after getting police verification report from respondent No.5 i.e. Senior Superintendent of Police, Amritsar Rural, rejected the case of the petitioner for the grant of parole, vide impugned order dated 18.06.2025 on the ground that the prisoner can be again got involved in the business of drug after the grant of concession of parole and can be threat to state security and maintenance of public order, in case he is released. He further submits that the Panchayat of village Jabbowal has also supported the case of the petitioner for releasing him on parole vide Annexure P-2. It is submitted that out of the awarded sentence, the petitioner had already undergone actual



sentence of 02 years, 10 months & 05 days as 26.07.2025 (no remission earned till date) and, thus, in view of the aforesaid facts and circumstances, the respondent-authorities have wrongly declined prayer of the petitioner for grant of parole on the basis of totally flimsy grounds. He further submits that the impugned order passed by the respondent-authorities is unsustainable in the eyes of law in view of the law settled and, thus, submits that the impugned order deserves to be set aside.

4. Learned State counsel, *per contra*, has opposed the submissions made by counsel for the petitioner. He has placed on record the reply by way of affidavit of Hemant Sharma PPS, Superintendent, Central Jail, Amritsar. He has drawn the attention of this Court to the status report and has submitted that after getting the police verification report, Panchayatnama given in support of the parole of the petitioner was not found to be correct. He submits that as the petitioner is prosecuted in a NDPS Act, he can start drug business again and may become a fugitive and then commit crime, in case he is granted parole. He, thus, submits that to maintain peace and harmony in the society, the order dated 18.06.2025 has rightly been passed by the respondent-authorities.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that out of the awarded sentence of 10 years rigorous imprisonment, the petitioner has already undergone about 02 years & 10 months of sentence. Gram Panchayat of village Jabbowal, Police Station Tarsikka, District Amritsar has also supported the case of the petitioner vide Annexure P-2. 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 his further involvement in drug business etc. has already been dealt with by this Court time and again. This ground can never be justifiable for rejecting the application filed by any accused for grant of parole. The petitioner has every right to meet his family members.

6. 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 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.”*

7. 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 18.06.2025 (Annexure P-1) to be sustainable in the eyes of law and hence, the same is hereby set aside.

8 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.

9. Petition stands allowed in the above terms.

**July 28, 2025**  
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**(Rajesh Bhardwaj)**  
**Judge**

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| Whether Speaking/Reasoned: | YES |
| Whether Reportable:        | YES |