



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

CRWP No.7448 of 2025 (O&M)

Date of Decision: 15.07.2025

DARSHAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sanchit Chaudhary, Advocate for
 Mr. Abhaysher Singh, Advocate,
 for the petitioner.

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ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 04.04.2024 (Annexure P-1) passed by respondent No.2, whereby, his application for grant of parole has been declined.

2. Learned counsel for the petitioner submits that the case of the petitioner for release on parole has been erroneously rejected by the impugned order dated 04.04.2024 (Annexure P-1) on the ground that he is likely to abscond and participate in unlawful activities.

3. Issue notice to the respondents.

4. Mr. Adeshwar Singh Pannu, AAG, Punjab, accepts notice on behalf of the respondents and has filed the custody certificate which is taken on record. He submits that the impugned order has been passed on 04.04.2024 and the petitioner may apply for release on parole afresh, which would be considered and decided, in accordance with law.



5. Heard.

6. The petitioner has been convicted in FIR No.116 dated 09.06.2021 registered under Sections 363, 366-A, 376, 342, 120-B IPC and Section 4/6 of POCSO Act and sentenced to undergo rigorous imprisonment for a period of 20 years. He is stated to have undergone an actual sentence of over four years. There does not seem to be anything to indicate that the petitioner would not be eligible for his release on parole. The impugned order has been passed only on the apprehension that the petitioner may abscond and he is a threat to the society.

7. It is difficult to comprehend as to how and on what basis the District Magistrate, Moga has arrived at this finding that the petitioner is threat to society. The object of grant of parole is to reform the convict to enable him to be a responsible citizen at the time of his release after completion of sentence. It has been held by Full Bench of this Court in ***Achan Kumar Versus State of Punjab and others, IOIN-CRWP-3259-2024 in CRWP-3259-2024***, decided on 02.09.2024, that the applications of parole are not to be declined in a cryptic manner. It has also held that in the event of the competent authority(s) not complying with the directions issued by this Court, they would be liable for departmental action. The relevant para of judgment is reproduced herein below:

“45. Consequently, the District Magistrates/competent authority concerned are directed to hereinafter ensure that, they shall consider and apply their mind objectively to the relevant material furnished by the police, local Panchayats and only in cases where they receive cogent, tangible and concrete evidence indicating that the inmated prisoner, if released on parole, would be an imminent threat to the security and peace of the area concerned, thus thereupon they may well consider to, on good reasons, reject his/her



application for parole. The parole is not to be denied in a mechanical manner, without application of mind. In the event of the competent authorities not objectively applying their mind vis-a-vis cases for release of prisoners on parole, thereupon they would be liable for censure/disciplinary action for theirs prompting frivolous and avoidable litigation.”

8. Learned State counsel submits that the impugned order had been passed prior to the judgment of the Full Bench and the application of the petitioner for release on parole would be decided afresh, in accordance with law.

9. Consequently, this petition is allowed and the impugned order dated 04.04.2024 (Annexure P-1) rejecting the case of the petitioner for release on parole is set aside. The petitioner would make afresh application for his release on parole, which would be considered and decided by respondent No.2-Deputy Commissioner, Moga within a period of four weeks of its receipt, in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

15.07.2025
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No