



CRWP-7623-2025 (O&M)

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

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CRWP-7623-2025 (O&M)**Reserved on : 27.08.2025****Pronounced on : 29.08.2025**

Satish Kumar

..... Petitioner

VERSUS

State of Punjab & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Mohit Giri, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J.

1. While invoking the jurisdiction vested in this Court by virtue of Article 226 of the Constitution of India, the petitioner has filed the present writ petition in the nature of certiorari seeking quashing of order dated 04.07.2025, passed by the respondent No.2. The petitioner has also sought a writ in the nature of mandamus to allow the petitioner to be released on parole for a period of 8 weeks.

2. It has been pleaded by the petitioner that in a case registered in Police Station Dera Bassi, he has been convicted and therefore, undergoing sentence in District Jail, Patiala. According to petitioner, the abovementioned case is for the commission of offence punishable under Sections 21 and 29 of the NDPS Act, arising out of FIR No.76 dated

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09.03.2023, for being in possession of 1 kg of heroin, and that the sentence awarded to him is rigorous imprisonment for a period of 10 years.

3. According to petitioner, he had moved an application before the jail authorities for grant of parole and the same was forwarded to District Magistrate, Delhi for verification, as the petitioner is resident of Delhi. As per petitioner, in response to abovementioned verification process, the Deputy Commission of Police, North, Delhi informed the Punjab police that three other FIRs were lodged against the petitioner.

4. It is the allegation of the petitioner that with regard to recommendation for release of the petitioner on parole, a clarification was sought by the respondent No.2 from Deputy Commissioner of Police, Delhi, but Deputy Commissioner of Police, Delhi responded the same in negative on the ground that the petitioner is a habitual offender and his release would affect law and order situation. According to petitioner, in view of abovementioned response of Deputy Commissioner of Police, Delhi, the respondent No.2 has declined the request of petitioner, for release on parole. It has been alleged by the petitioner that the ground, on which parole has been denied, is illegal and unsustainable in the eyes of law. Hence, the present petition.

5. The abovementioned petition has been opposed by the respondent-State. The respondent has filed a detailed reply to the petition, wherein, it has been alleged that the release of petitioner on parole is not his absolute right. According to respondents, in view of overall conduct of the petitioner, who has been convicted for the commission of offence punishable



under Sections 21 and 29 of NDPS Act, and is involved in multiple cases, his request for release on parole has rightly been rejected by the authorities.

6. Heard.

7. Learned counsel for the petitioner has contended that the sole ground, on which benefit of release on parole has been denied, to the petitioner, is the existence of three other criminal cases pending against him. As per learned counsel for the petitioner out of abovesaid three cases, he has already been acquitted in one case, i.e. case arising out of FIR No.119 dated 27.04.2020 and the second case, arising out of FIR No.179/2020, Police Station Civil Lines, New Delhi, is for the commission of offence punishable under Section 188 of IPC and Section 45 of DM Act only. With regard to third case, arising out of FIR No.329/2021 under Sections 376, 354, 506 of IPC, it has been contended by learned counsel for the petitioner that in the abovementioned case, the allegations for the commission of offence are against the nephew of the petitioner, and the complainant is wife of nephew of the petitioner. As per learned counsel for the petitioner, the complainant in that case has already turned hostile during the course of trial.

8. In addition to above, it has also been argued by learned counsel for the petitioner that otherwise also, the pendency of other cases is no ground for denial of parole. In this regard, learned counsel for the petitioner has referred to the decision of this Court in '*Manga @Manga Singh Vs. State of Punjab*', reported in *2020(4) RCR (Criminal)133*, wherein, this Court afforded the benefit of parole to a person, who was facing multiple cases. The similar view has been taken by the Division Bench of this Court



in '*Kala Singh @Bhundi Vs. State of Punjab & Ors.*', neutral citation No. **2023:PHHC:144182-DB**.

9. While relying upon the observations made in the abovementioned cases, it has been argued by learned counsel for the petitioner that the petitioner is entitled for the benefit of parole, and that denial of abovementioned right to the petitioner is not based upon a sound legal footing and therefore, interference and intervention of this Court is warranted in the present case by way of issuing writ in the nature of certiorari and mandamus.

10. *Per contra*, learned State Counsel argues that the scope for release of petitioner on parole is very limited and that case of the petitioner does not come within the purview of Sections 3(a), 3(b) and 3(c) of the "Punjab Good Conduct Prisoners (Temporary Release) Act, 1962". According to learned State Counsel, at the most, the petitioner can claim benefit by invoking Clause (d) of Section-3 of abovementioned Act and that to bring its case within the purview of Section 3(d) of the abovementioned Act, no cogent ground exists in this case.

11. The record has been perused carefully.

12. A perusal of record shows that allegations against the petitioner are for the commission of offence punishable under Sections 21 and 29 of the NDPS Act and the sentence awarded to the petitioner is 10 years. The custody certificate, placed on record by learned State Counsel, shows that against the awarded sentence of 10 years, the petitioner has already undergone a sentence for a period of 2 years and 5 months, in this case.

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13. It is relevant to mention here that by virtue of impugned order i.e. order dated 04.07.2025, passed by the Additional Director General of Police (Prisoners), Punjab, the denial of parole to the petitioner is merely on the ground that petitioner is facing three other criminal cases. With regard to abovementioned justification contained in the impugned order, it is relevant to mention here that the record shows that in one case, i.e. the case registered vide FIR No.119 dated 27.04.2020, the petitioner has already been acquitted and therefore, by no means, it cannot be treated to be a case pending against him. As far as the second case, i.e. FIR No.179/2020 is concerned, the record shows that this is a very petty offence i.e. offence for the commission of offence punishable under Section 188 of IPC. The third case against the petitioner is for the commission of offence punishable under Section 376, 354 and 506 of IPC, wherein, main allegations are against the petitioner for the commission of offence punishable under Section 354 IPC. Qua abovementioned case, it is relevant to mention here that in the abovementioned case, copy of order dated 08.12.2021, passed by the learned Additional Sessions Judge, Delhi, has been annexed with the petition, which shows that the prosecutrix has retracted from her version with regard to involvement of petitioner in the commission of offence.

14. As a sequel to abovementioned observations, in the present case, it stands proved that there is no case of serious nature is pending against the petitioner. In such circumstances, in my opinion, the contents of impugned order, whereby the benefit for release on parole has been denied to the petitioner, is not sustainable in the eyes of law. In this regard, it is also relevant to mention here that the Division Bench of this Court in the case of



‘Ram Chander Vs. State of Punjab’, reported in **2017(3) RCR (Criminal) 340**, has observed that likelihood of committing a crime while on parole would not be a sufficient ground to decline temporary release and it would not as such fall within the exceptions of the danger to the security of State and maintenance of public order.

15. This High Court in the case of *‘Daler Singh Vs. State of Punjab’*, reported in **2007(1) RCR Cri 316** in para No.6, has observed that merely apprehension of petitioner to abscond is no basis for rejecting the case even if he was found indulging in smuggling activity. According to Division Bench of this Court, in the abovementioned case, the ground, upon which a convict is likely to abscond if released on bail, even in a case under the NDPS Act wherein the awarded sentence is 12 years, is without any basis.

16. In view of abovementioned settled legal proposition, applicable to the present case, as well as the fact situation pertaining to instant case, discussed above, this Court is of the opinion that merely on the ground that the petitioner is involved in three other cases would not be a valid ground to deny the benefit of releasing on parole. It cannot be disputed that the purpose of release is to make sure that the prisoner as such meets with his family members and the general public. It is a reformatory process, whereby a convict is reintroduced to normal life and thus, by declining the said benefit on an application of parole, the reasoning given as discussed above, would come within the vice of irrationality and perversity, in spite of the settled position of law.



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17. Resultantly, the impugned order dated 04.07.2025 (Annexure P-4), passed by the Additional Director General of Police (Prisoners), Punjab is quashed. The matter shall be reconsidered by the said Additional Director General of Police (Prisoners), Punjab within a period of four weeks from the receipt of the certified copy of this order, keeping in mind the observations made above and pass necessary orders.
18. The petition stands allowed in the above terms.

(SURYA PARTAP SINGH)
JUDGE

AUGUST 29, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/ No
Whether Reportable	Yes