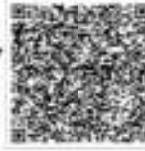


2025:PHHC:102667



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

SR. NO.114

CRWP-8369-2025

DATE OF DECISION:08.08.2025

HARCHARAN SINGH ALIAS CHARNA

...PETITIONER(S)

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

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

N.S. SHEKHAWAT, J.

The present petition has been filed under Article 226 of the Constitution of India with a prayer to issue appropriate and necessary directions to respondent No.2 to consider the application of the petitioner for grant of Temporary Release (Parole), which has been kept pending.

Learned counsel for the petitioner contends that the petitioner was convicted and was sentenced to undergo 10 years' imprisonment by the trial Court in a case arising out of FIR No.190 dated 07.12.2020 registered under Sections 15C/27A of the NDPS Act at Police Station Titram, District Kaithal. Even the appeal filed by the petitioner is lying admitted before this Court.

Learned counsel further contends that the petitioner is not a hardcore prisoner as defined under Section 2(aa) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short 'the Act') and he deserves the concession of parole in order to restore his social ties with

his family. He next contends that the petitioner moved an application for Temporary Release (Parole) for household affairs and for restoring the social ties with his wife and three minor daughters. The said application moved by the petitioner for parole to respondent No.5, was further referred to respondent No.3, who made his comments on the application and vide dispatch No.3422 dated 07.04.2025, he had referred the application along with Form 'O' and certificate as well as conviction warrant to respondent No.2. Now respondent No.2 has not decided the case of the petitioner for grant of parole for the last four months. Learned counsel next contends that respondent No.2 is under legal obligation to decide the application submitted by the petitioner in a time bound manner.

Notice of motion.

On the asking of Court, Mr. M.S. Bajwa, DAG, Punjab accepts notice on behalf of the respondent-State.

Reply filed by way of short affidavit dated 07.08.2025 of Superintendent, Central Jail, Patiala on behalf of respondents No.1, 3 and 4 in Court today is taken on record.

I have heard the learned counsel for the parties and perused the case file carefully.

At this stage, I find the prayer made by the learned counsel for the petitioner to be fair and appropriate. As per the record, the application for grant of parole to the petitioner is stated to be pending consideration before respondent No.2 for the last more than four months, which is not only unfair, but also is in violation of the mandatory provisions of the Act.

In view of the above, the present petition is disposed of with a direction to the Deputy Commissioner-cum-District Magistrate, Patiala-respondent No.2 to consider and decide the application of the petitioner for grant of parole by passing an appropriate order thereon, strictly as per law, within a period of two weeks from today.

(N.S. SHEKHAWAT)
JUDGE

08.08.2025
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO