

2025:PHHC:165727



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

234

CRWP-10446-2025 (O&M)
Date of decision: 28.11.2025

Vinod

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Munish Thakur, Advocate for the petitioner
(through hybrid mode)

Mr. Manipal Singh Atwal, DAG Punjab

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of directions to the respondents to grant eight weeks parole to the petitioner.

2. Learned counsel submits that the petitioner AIDS patient whose house has got damaged in floods and has to look after his old aged mother, is involved in only one FIR under the NDPS Act, but the solitary reason for declining 8 weeks' parole sought by him is that there is an apprehension of breach of public order in the State.

3. It would be worthwhile to refer to the judgment of Division Bench of this Court in **Kulwinder Singh @ Taina vs. State of Punjab and others**, CRWP-5395-2023, decided on 06.05.2024, the relevant paras of the same read thus:

“12. As per impugned order dated 10.04.2023 based on the report of Senior Superintendent of Police, Ferozepur, it is observed that in case petitioner is released on temporary parole, he can indulge in smuggling of narcotics and he may also abscond during parole. On this basis, prayer for parole was rejected by District Magistrate, Ferozepur by passing impugned order dated 10.04.2023 (Annexure P-2). Such mere

apprehension is not a valid ground for rejection of application filed by petitioner seeking parole. Affidavit filed by Deputy Superintendent of Police, Zira and impugned order dated 10.04.2023 Annexure P-2 do not come to the aid of the State justifying denial of parole to petitioner. Consideration of the question whether release of petitioner on parole is likely to endanger security of State or maintenance of public order has clearly not been carried out by the competent authority. Cogent material to indicate the same rather than mere registration of various cases has to be available.

13. Considering the aforesaid facts and circumstances, impugned order dated 10.04.2023, Annexure P-2, passed by District Magistrate, Ferozepur is set aside being unsustainable, with further direction to District Magistrate, Ferozepur to reconsider the application filed by petitioner seeking parole in the light of aforesaid provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and discussion as above, within a period of four weeks of receipt of certified copy of the order.

14. Petition is accordingly disposed of.

15. Pending miscellaneous applications, if any, stand disposed of accordingly.”

4. Learned State counsel, despite best efforts, has not been able to controvert as regards the factual position and draw out any distinctive aspects in the aforementioned decision or cite any contrary law.

5. In view of the peculiar facts and circumstances of the case and the judgment referred to above, the present petition is allowed. The petitioner is ordered to be released on parole for a period of 8 weeks from the date of his release, subject to furnishing the bail/ surety bonds to the satisfaction of the concerned CJM/Duty Magistrate/Illaq Magistrate.

(AMAN CHAUDHARY)
JUDGE

28.11.2025
ashok

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No