



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-10981-2024
DECIDED ON: 01.03.2025

GURSEWAK SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gursahib Singh Hundal, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The instant petition was preferred under Article 226 of the Constitution of India seeking quashing of order dated 30.10.2024 (Annexure P-4) whereby application for parole to the petitioner has been declined on the ground that the petitioner was disturbing the public peace highlighting the conduct that while in jail, he has committed a murder of an inmate and is facing trial in FIR No.101 dated 22.06.2019, under Sections 302, 120-B, 34 IPC, registered at Police Station Sadar Nabha, District Patiala.

2. Reply by way of an affidavit of Iqbal Singh Dhaliwal, PPS, Superintendent, Central Jail, Faridkot has been filed on behalf of respondent No.2, which is taken on record. Copy of the same has been furnished to the learned counsel for the petitioner today in Court.

3. Learned State counsel would oppose the concession of parole referring to para Nos. 5 and 6 which would read as under:-

“5. That petitioner's application for grant of parole was forwarded to OFINDIA the office of District Magistrate, S.A.S. Nagar(Mohali) firstly vide letter no. 4046 dated 29.06.2024 and again vide letter no. 7813 dated 28.10.2024 as per order passed by Hon'ble Punjab and Haryana High Court dated 21.10.2024, in CRWP No.10171 of 2024 (O&M), for verification as required under the Punjab State Good Conduct Prisoners (Temporary Release) Act, 1962 and Amendment Act, 2017 (hereinafter called as 'The Act').

6. That the District Magistrate S.A.S Nagar,Mohali rejected the case of the petitioner for grant of parole of 08 weeks on the basis of report/ letter no. 65750/G dated 23.10.2024 as well as letter no. 67405-1/G dated 30.10.2024 submitted by Respondent No.3 i.e Senior Superintendent of Police, S.A.S. Nagar (Mohali), wherein, it is mentioned that granting parole to the petitioner may disturb the public peace. He had previously availed parole leave for a period of one week from Nabha jail, following which he allegedly murdered a fellow inmate Mahinderpal Bittu son of Ram Lal resident of Kotakpura, District Faridkot, inside the jail. Accordingly, the SHO (Police Station Mataur, S.A.S Nagar, Mohali) did not recommend parole for prisoner Gursewak Singh Alias "Bhoot" due to law and order concerns. Hence the cases of the convict for 08 week parole was rejected vide letter endt. no. 2002/Peshi Dated 07.11.3024 on the basis of report/letter no. 65750/G dated 23.10.2024 as well as letter No.67405-7/G, dated 30.10.2024 submitted by respondent No.3 i.e. Senior Superintendent of Police, S.A.S. Nagar (Mohali) as section Punjab Good Conduct Prisoners Act, 1962 covers the report of District Magistrate, Faridkot. 25

JAN 2025 Section 6 of 'the Act' is re-iterated below for ready reference:

6. Prisoners not entitled to be released in certain cases. - Notwithstanding anything contained in sections 3 and 4, no prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or any officer authorized by it in this behalf is satisfied that his release is likely to endanger the security of the State Government or the maintenance of public order.”

4. Considering the fact that the petitioner was earlier granted concession of parole w.e.f. 12.03.2019 till 08.05.2019 and in addition thereto, 01 day parole on 21.07.2024 granted for performing last rites of his deceased sister.

5. In FIR No.101 dated 22.06.2019, the petitioner has been released on bail vide order dated 03.05.2024 passed in CRM-M-21051-2024 (Annexure P-1), wherein he has alleged false implication and pressed upon CCTV camera having been installed in the premises of jail, which have not been examined and is a material piece of evidence.

6. Be that as it may, having regard to the fact that mere apprehension for indulging the petitioner in heinous crimes cannot be a ground for rejection of his parole. The convict has a vested right under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 for exercising parole on account of certain reasons i.e. to meet his family members and to remain in touch with the society which will help him in his reformation as a responsible citizen.

7. Considering the aforesaid facts and circumstances and the reasons cited for seeking release on parole i.e. to meet his family members

wherein his maternal grandmother namely Satya Kaur has died on 06.11.2024 and he could not attend the Bhog ceremony as well and one of his real sister has unfortunately died on 21.07.2024.

8. In the light of above, the petition is allowed and the impugned order dated 30.10.2024 (Annexure P-4) is hereby quashed. The petitioner is ordered to be released on parole for a period of four weeks i.e. from 03.03.2025 to 29.03.2025, subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and on expiry of four weeks, he shall surrender back to the concerned jail authorities on or before 29.03.2025 at 5:00 p.m.

9. The present petition is disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

01.03.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No