



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

**CRWP No.10990 of 2024
Date of Decision: 04.02.2025**

Harpreet Singh

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S. S. Rana, Advocate
for the petitioner.

Mr. Narender Kumar Vashist, Senior Panel Counsel
for respondent No.1-Union of India.

Mr. J. S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of filing the present petition praying for issuance of a writ in the nature of mandamus directing the respondents to consider the case of petitioner for grant of 08 weeks parole under Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (as amended upto date) and in view of judgment passed by the Hon'ble Supreme Court of India in Criminal Appeal No.2084 of 2023 titled as Harpreet Singh vs. State of Punjab vide Annexure P-1.

2. It has been contended by learned counsel for the petitioner that the petitioner was prosecuted in FIR No.T20107154 under the provisions of Chapter III of Part V of the Criminal Courts (Sentencing) Act, 2000 (hereinafter referred to as 'the Act') and was



convicted/sentenced to undergo imprisonment for life with minimum term of 22 years by the learned Central Criminal Court, London vide order dated 15.04.2011 in view of Section 269 of Criminal Justice Act, 2003. He has submitted that under the provisions of the Repatriation of the Prisoners Act, 2003 (for short 'the Act of 2003'), the petitioner was repatriated to India and thereafter he is undergoing his sentence in India. He has submitted that the petitioner earlier approached praying for the grant of 08 weeks of emergency parole for performing his own marriage, which was rejected by the respondents authorities. He has further submitted that the Criminal Writ Petition bearing CRWP No.664 of 2021, assailing the rejection order by the respondents authorities, was also dismissed by this Court. The said order was further assailed by the petitioner by way of filing Criminal Appeal No.2084 of 2023 before the Hon'ble Supreme Court. Hon'ble the Supreme Court vide its order dated 24.07.2023 disposed of the appeal by permitting the petitioner to file a fresh application. In pursuance to the same, the petitioner filed a fresh petition praying for the grant of parole before the authorities which was declined and then filed CRWP No.10276 of 2023 before this Court. This Court vide order dated 16.02.2024 allowed the petition filed by the petitioner by granting him 06 weeks of parole. He has submitted that after the marriage of the petitioner, his family being NRI returned to UK. However, his wife is residing in her matrimonial home in India itself. He has submitted that the petitioner applied for grant of parole for 08 weeks on 14.06.2024 and his case was duly recommended by the Jail Superintendent. It was forwarded by the District Magistrate as well as



Senior Superintendent of Police to respondent No.2, who further recommended his case to respondent No.1 i.e. Union of India. The wife of petitioner made a representation dated 05.10.2024 (Annexure P-4) to the respondents authorities for considering the case of petitioner for granting him 08 weeks parole. He has submitted that no action has been taken by respondent No.1 till date. He has submitted that as per the provisions of the Act of 2003, the petitioner is duly entitled for the grant of parole. He has submitted that when earlier parole of the petitioner was rejected by the respondent-authorities and by this Court, the petitioner approached the Hon'ble Supreme Court and thus, the Hon'ble Supreme Court had duly clarified the powers vesting in Union of India under clause (2) of Article 10 of the Act of 2003 and thus, there is no prohibition for grant of parole to the petitioner on valid and lawful grounds. He has submitted that the petitioner has a valid and lawful ground for granting him parole as prayed but the respondents-authorities are not proceeding with the same, which is a violation of statutory provisions of the Act. He has thus submitted that the petition be allowed by granting the petitioner 8 weeks of parole as prayed for.

3. Learned counsel for respondent No.1 has opposed the submissions made by learned counsel for the petitioner. He has drawn the attention of this Court to the reply filed by way of an affidavit of Arun Sobti, Director (PR & ATC), Women Safety Division, Ministry of Home Affairs, Major Dhyan Chand National Stadium, India Gate Circle, New Delhi on behalf of respondent No.1. He has submitted that the petitioner was transferred from UK to India on 18.06.2019 under the agreement of



transfer of sentenced persons between India and UK to serve the remainder of his sentence in his native country. He has submitted that the minimum term has been set at 22 years by the UK Court, which will complete in April, 2032. The petitioner has filed the petition seeking parole of 08 weeks under Section 3(1)(d) of the Act. He has contended that UK authorities have informed that they had serious concerns about the application filed. He has argued that if the petitioner is granted parole, it could jeopardise future transfer of prisoners to India as the petitioner has committed a heinous crime. He has submitted that the petitioner has been brought to India under the aegis of Union of India agreement with UK which need to be appreciated and the concerns of UK Government need to be taken into account. He has further submitted that the petitioner was already granted 06 weeks of parole but that does not entitle him for granting the parole again as prayed for by him. He has thus submitted that the petition being devoid of any merit deserves to be dismissed.

4. Learned counsel for respondents No.2 & 3 i.e. State of Punjab has also drawn the attention of this Court to the reply filed and has submitted that the State of Punjab is only the custodian of petitioner, who has been transferred from UK under the agreement between Union of India and UK. He has submitted that case of the petitioner was forwarded to respondent No.1 for their guidance, however no response was received and thus, no final decision could be taken on the application filed by the petitioner praying for the grant of parole.

5. The Court has heard learned counsel for the parties and perused the record with their able assistance.



6. The precise issue involved in the present petition is that whether the petitioner, who has been transferred from UK to his native Country India, is entitled for the grant of parole. Admittedly the petitioner had availed 06 weeks of parole after the Hon'ble Supreme Court had appreciated the contentions raised by the respondent-State. Hon'ble the Supreme Court vide its order dated 24.07.2023 had observed as follows:

“Leave granted.

Heard the learned counsel appearing for the appellant and the learned counsel appearing for the first respondent-State of Punjab.

We have perused the provisions of the Repatriation of the Prisoners Act, 2003 and a copy of the transfer of sentenced persons agreement between the Government of India and the Government of United Kingdom. After having perused the clause (2) of Article 10 thereof, we find that there is a power vesting in Union of India even to grant pardon, amnesty or commutation of sentence in accordance with the laws prevailing in India. We do not see any prohibition on grant of parole to the appellant on valid and lawful grounds.

Parole was sought by the appellant on the ground that his marriage was scheduled to be solemnized on 5th December, 2021. The prayer was rejected by the High Court.

We, therefore, permit the appellant to make a fresh application for grant of parole on the same ground by placing all necessary documents on record.

If such application is made, the first respondent shall consider the same immediately after consulting the Union of India, in the light of what we have observed in this order.

The appeal is accordingly disposed of.”



7. A perusal of the order passed by the Hon’ble Supreme Court leaves no doubt to the fact that the petition filed by the petitioner praying for the grant of parole can be considered. On the appreciation of the statutory provisions, it was clarified by the Hon’ble Supreme Court that Union of India is vested with the power under clause (2) of Article 10 of the Act and thus, there being no prohibition, the case of the petitioner for grant of parole could be very well considered on valid and lawful grounds. Thus the arguments raised before this Court by respondent No.1 deserves to be rejected. On filing the application for grant of 8 weeks of parole by the petitioner, the case had already been recommended by respondent No.2-State of Punjab but the same is hanging fire to await the decision of respondent No.1.

8. This is an admitted fact that the petitioner had already been granted 06 weeks of parole by this Court vide order dated 16.02.2024. After availing the same, the petitioner had duly surrendered back before the Jail authorities. Thus this Court is of the opinion that case of the petitioner deserves to be considered in the light of statutory provisions and the order passed by the Hon’ble Supreme Court dated 24.07.2023.

9. Thus the present petition is disposed of with direction to respondents No.1 & 2 to pass the order on the application filed by the petitioner in accordance with law within a period of 04 weeks from the date of receipt of copy of this order.

04.02.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No