



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

129

CWP-34968-2025

Date of Decision:- 21.11.2025

AMRITPAL SINGH

....Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present:- Mr. R.S. Bains, Sr. Advocate with
Mr. Sarabjot Singh Cheema, Advocate,
Mr. Anmoldeep Singh, Advocate,
Mr. Imaan Singh Khara, Advocate,
Mr. Harjot Singh Maan, Advocate,
Mr. Sumeet Singh, Advocate for the petitioner.

Mr. Satya Pal Jain, Addl. Solitictor General of India,
Mr. Dheeraj Jain, Sr. Advocate with
Mr. Prajwal Chauhan, Central Government Counsel
for respondent No.1 and 2.

Mr. Chanchal K. Singla, Sr. Advocate with
Mr. Rahul Aaryan, Advocate,
Ms. Ravinder Kaur, Advocate for the State of Punjab.

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SHEEL NAGU, C.J. (Oral)

1. The petitioner, who is a Member of Parliament and is presently under a preventive detention order, the last being 17.04.2025, has approached this Court with the following prayers:-

“(i). Issue a writ in nature of mandamus for directing the official respondent nos.1, 3 and 4 to allow the temporary release/Parole of the present petitioner in accordance with the provisions of Section 15 of the National Security Act, 1980, to allow him to attend the winter session of Parliament from 1st December 2025 to 19th December, 2025, in the interest of justice, equity and fair play.



(ii) With a further prayer for issuance of a writ in nature of Mandamus directing the official respondents No.1, 3 and 4 to make appropriate arrangements for the personal attendance of the present petitioner at the winter session of Parliament from 1st December, 2025 to 19th December, 2025, in the interest of justice, equity and fair play.

(iii) With a further prayer for issuance of a writ in nature of Mandamus directing the official respondents No.1, 3 and 4 to decide the representations (Annexure P-4) of the present petitioner in a time bound manner, in the interest of justice, equity and fair play.”

2. From the aforesaid, it is obvious that the petitioner, in his capacity as a sitting Member of Parliament from Khadoor Sahib constituency, seeks to attend the Winter Session of Parliament commencing from 01st December, 2025.

3. It is not disputed at the Bar that the petitioner is presently incarcerated at Central Jail, Dibrugarh, Assam.

4. The petitioner has submitted various representations, including one to the Home Secretary, Department of Home Affairs and Justice on 13.11.2025, which remains unaddressed.

5. Mr. Satya Pal Jain, Additional Solicitor General of India has shown us the letter dated 20.11.2025, issued by the Lok Sabha Secretariat, which is taken on record as Annexure ‘X,’ that states the competent authority to deal with such a request is the Competent Court. Thus, the Competent Court in view of this would be the State Government, under the order of which the petitioner is under preventive detention.

6. The power to grant temporary release u/s 15 of the National Security Act, 1980 lies with the ‘appropriate Government’, as defined under Section 2(1)(a) of the Act, which is reproduced below for ready reference and convenience.



“(a) “appropriate Government” means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government;”

7. Since the order of preventive detention was passed on 17.04.2025 by the District Magistrate, Amritsar, who is an Officer subordinate to a State Government, the State Government is the competent authority as per Section 2(1)(a) of the National Security Act, 1980 to deal with the kind of request made by the petitioner.

8. Accordingly, the present petition stands disposed of with a direction to the Home Secretary, Department of Home Affairs and Justice to decide the application dated 13.11.2025 (Annexure P-4) already filed by the petitioner within a period of 01 week from today, preferably before the commencement of the Winter Session of the Parliament and to communicate the order to the petitioner.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

21.11.2025
S.Sharma

i)	<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
ii)	<i>Whether reportable?</i>	<i>Yes/No</i>