

**CRWP-1173-2026 (O&M)****-1-****108+204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-1173-2026 (O&M)****Date of decision: 07.03.2026****AKASHDEEP GAUTAM****...PETITIONER****VERSUS****STATE OF PUNJAB AND ORS.****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI**

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

Mr. Adeshwar Singh Pannu, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)**CRM-343-2026**

Allowed as prayed for. Annexures P-2 to P-4 are taken on record,
subject to all just exceptions.

Main case

1. The petitioner herein assails order dated 10.12.2025, Annexure P-1, passed by Deputy Commissioner, District Pathankot-respondent No.2, whereby his application seeking grant of parole has been declined primarily on the ground that upon release of petitioner on parole, he can commit any crime in the village which can disrupt law and order and cause loss of life and property.
2. Pursuant to notice of motion having been issued, respondents No.1 and 5 has filed reply by way of affidavit of Shri Lakhwinder Singh, PPS, Deputy Superintendent of Police, Dhar Kalan, District Pathankot, which is accompanied by Annexures R-1/T to R-3/T and Annexures R-1 to R-3. As per status report, the petitioner is involved in two more FIRs i.e. FIR No.168 dated

**CRWP-1173-2026 (O&M)****-2-**

22.09.2020, under Sections 294, 3 IPC, Section SC/ST Act, registered at Police Station Shahpurkandi and FIR No.131 dated 02.08.2022, under Section 46 of Prison Act, registered at Police Station Division No.2, Pathankot.

3. Learned counsel for the petitioner submits that the petitioner on an earlier occasion had been granted interim bail for a period of six weeks during the pendency of trial and that he had surrendered back in time and has never ever misused such concession. It has further been submitted that although the police is reported to have recorded the statement of present Sarpanch of the village, but in fact there is political rivalry in the village inasmuch as the uncle of the petitioner, namely Rameshwar Nath, was also an ex-Sarpanch. The present Sarpanch had earlier lodged one FIR wherein his uncle as well as the petitioner and his father were arrayed as accused, which clearly shows that it is not safe to rely upon the statement of the present Sarpanch.
4. We have heard learned counsel for the petitioner and also learned State counsel.
5. We find that the application for parole has primarily been declined on the ground that petitioner can commit any crime in the village which can disrupt law and order and cause loss of life and property. However, there is no material on record as to on what premises, the said observation has been made. In somewhat identical circumstances, this Court in **Ram Chander Versus State of Punjab and others**, CRWP-554-2016, decided on 06.03.2017 wherein the opinion as regards there being apprehension of breach of State security was not based on any material, the order declining parole was set aside and directions were issued to the authorities concerned to consider the matter afresh.
6. In view of the discussion made above, the impugned order is set aside and the

instant criminal writ petition is disposed of with a direction to the competent



CRWP-1173-2026 (O&M)

-3-

authority to consider the case of the petitioner afresh *de hors* the previous report and pass appropriate orders in accordance with law.

[GURVINDER SINGH GILL]
JUDGE

[RAMESH KUMARI]
JUDGE

07.03.2026
renubala

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