



CWP-4660-2025

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

(108)

CWP-4660-2025

Date of decision:- 19.02.2026

Abhinandan Mutneja

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepanshu Mehta, Advocate
for the petitioner.

Mr. Siddharth Sandhu, Assistant Advocate General, Punjab
for respondents No.1 to 7.

Mr. Salil Bali, Senior Advocate with
Mr. Jaiveer Bali, Advocate and
Ms. Archana Chauhan, Advocate
for the respondent No.8.

SUVIR SEHGAL, J. (ORAL)

1. This petition has been filed, *inter alia*, for issuance of a writ, in the nature of mandamus, directing official respondents No.1 to 6 to grant an opportunity of hearing to petitioner while considering the request of parole of convicts-respondents No.8 to 11 keeping in view the threat perception of petitioner. Another prayer has been made for issuance of a writ, in the nature of certiorari, for quashing permission, dated 06.02.2025, granted to respondent No.9 releasing him on parole.

2. Counsel for the petitioner has placed reliance upon the judgment of the Hon'ble Supreme Court in Jagjeet Singh and others Versus Ashish



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Mishra @ Monu and another, (2022) 9 SCC 321, to contend that petitioner, who is a complainant in FIR No. 34, dated 19.04.2019, lodged for various offences for murder of his father, is entitled to be heard before convicts-respondents No.8 to 11 are released on parole during the pendency of the trial.

3. Upon notice, reply dated, 18.07.2025, has been filed on behalf of official respondents No.1 and 5, wherein it has been stated that private respondents have been convicted by learned Additional Sessions Judge, Fazilka on 20.07.2024 and are undergoing life imprisonment. Respondent No.9 was released on parole on 27.12.2024 for a period of eight weeks and he surrendered back on the expiry of parole period. It has been submitted that case of respondent No.11 for release on parole was under consideration when he approached this Court by filing a writ petition, which was disposed of with a direction to take a final decision on his application. Accordingly, application submitted by respondent No.11 was accepted and he was released on parole on 25.03.2025 for a period of four weeks and he also surrendered back on the expiry of parole period. In a separate affidavit filed by Deputy Magistrate, Fazilka, it has been stated that as other convicts, who were also released on parole, have returned to their respective jails, petition has become infructuous. A stand has been taken that Superintendent, Central Jail, Ferozepur is the recommending authority and the concerned District Magistrate as well as the SSP are the competent authority to decide the request for parole. State counsel has asserted that a complainant does not have any right to be heard before request for release on parole or furlough is considered by the competent authority under the provisions of Punjab Good Conduct Prisoners (Temporary

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Release) Act, 1962 (for short “1962 Act”).

4. I have heard counsel for the parties and considered their respective contentions.

5. Temporary release of a prisoner on good conduct is governed by 1962 Act. Sections 3 and 4 of the 1962 Act lays down the ground on which a prisoner can be temporarily released on parole or furlough. Both, Sections 3 and 4 of 1962 Act, make it mandatory for the authorized officer to consult the District Magistrate before releasing a prisoner on parole or furlough. Section 5-A of the 1962 Act lays down cases in which a prisoner is not entitled to be released. Section 6 (1) of 1962 Act provides that it is not necessary for the competent authority to consult the District Magistrate where competent authority is satisfied that the prisoner has maintained good conduct during his previous release under the statute. In other words, decision on a parole request has to be taken by competent authority on the basis of material before it. Under Section 6 (2) of the 1962 Act, a District Magistrate or an officer authorized on his behalf can deny a request for parole or furlough, as the case may be, if the release of a prisoner is likely to endanger the security of the State or the maintenance of the public order. In order to arrive at such a satisfaction, there has to be a material before the District Magistrate for consideration as to whether the release of a prisoner would be a threat to either or both. The statute does not provide for any right of hearing to a complainant before a prisoner is released on parole or furlough.

6. Hon’ble Supreme Court in Jagjeet Singh’s case (supra) has recognized the right of a victim of being heard at every step post the



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occurrence of the offence. This right has been given to him to participate from the stage of investigation till the culmination of the proceedings before the Court in an appeal or revision. In view of the language of the statute, right of hearing of a complainant before release of a prisoner on parole or furlough cannot be read in the provisions of the 1962 Act.

7. For the afore-going reasons, argument raised by counsel for the petitioner is rejected. A complainant can, however, place the material in his possession or any threat that he perceives on account of the release of the detenue before the competent authority or District Magistrate concerned. The competent authority or District Magistrate or the officer authorized by him shall take into consideration such material before taking a final call on a request of the prisoner for release on parole or furlough.

8. For the reasons recorded above, petition is dismissed.

(SUVIR SEHGAL)
JUDGE

19.02.2026
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No