

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-3064-2026

Judgment reserved on	Judgment pronounced on	Operative part pronounced or Full	Uploaded on
30.03.2026	07.04.2026	Full pronounced	07.04.2026

Sagar

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Anterpreet Singh, Advocate
 for the petitioner.

 Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
127	29.07.2020	Koom Kalan, Distt. Ludhiana	302, 149 IPC

1. Seeking issuance of a writ in the nature of mandamus directing the respondents to release the petitioner on parole for 08 weeks under Section 3(2) of the Punjab Good Conduct Prisoners (Temporary Release) Act 1962, the petitioner who has been convicted in the FIR captioned above, has come up before this Court by filing the present petition under Article 226 of Constitution of India.
2. Perusal of the file shows petitioner has filed an appeal against conviction before this Court bearing number CRA-D-1091-2025, which has been admitted.
3. Petitioner’s counsel submits that he has filed an application before respondent No.4, which was referred to respondent No.3-Senior Superintendent of Police to submit inquiry report with regard to his parole. Thereafter on 20.01.2026, respondent No.3 vide its letter No.5518/AC-3 dated 20.01.2026 has submitted inquiry report conducted by local Police Station Sadar Nawanshahr with regard to parole of 8 weeks of the petitioner to the office of respondent No.2.
- On the basis of inquiry conducted by local Police, Senior Superintendent of Police, Shaheed

Bhagat Singh Nagar, has not recommended the parole to the petitioner. Thereafter, respondent No.2-Deputy Commissioner, Distt. Shaheed Bhagat Singh Nagar, on the basis of letter dated 20.01.2026 along with report as well as new performa sent by respondent No.3 has rejected the case of the petitioner vide order dated 12.02.2026 on the ground that if the petitioner be released on parole, he may commit another major crime, which could disrupt peace and order in the state and society.

4. Petitioner is challenging impugned order dated 12.02.2026 on the grounds that same is non speaking order and not based on valid justification for rejecting the case of the petitioner. It is asserted that Gram Panchayat has already recommended his case, therefore, the conclusion that “if petitioner released on parole he may commit another crime which could disrupt peace and order in the state and society” without reasons is bad in law. It is argued that the resolution of the Gram Panchayat in favour of the petitioner has not been taken into consideration. It is asserted that petitioner has no previous criminal record, even he was on bail, during the trial. That his conduct during incarceration has been reported to be good and there is no allegation of mis-conduct while in jail. It is asserted that accused was never involved in any activities, which may cause disturbance to the public peace/order or security. It is asserted that petitioner was falsely involved in present FIR and his appeal is pending and, therefore, the impugned order declining parole is liable to be set-aside.

5. On notice, respondents have opposed plea of petitioner for 8 weeks parole and have justified impugned order dated 12.02.2026 on the ground that petitioner has been found to be a threat to the State security and maintenance of public order and, therefore, he is not entitled to parole.

6. We have heard learned counsel for the parties and perused the record.

7. Facts noted above are not in dispute in the present case. The case of petitioner for release of parole has been declined on the ground that he is a threat to security & public order. However, respondents have failed to justify conclusion drawn by Deputy Commissioner, Shaheed Bhagat Singh Nagar, as to on what basis petitioner can be considered threat to security and public order.

8. In ‘*Narinder Singh @ Nindi Vs. State of Punjab & Ors., 2020 (2) DC (Narcotics) 253*, provisions of 1962 Act were held to be beneficial in nature and were held to be aimed at reformation and rehabilitation of the prisoners. Parole is granted not only in an emergent situation but also for purpose of socializing with family members. It is necessary for a convict to maintain a contact with society which will facilitate his reformation and absorption in society after his release.

9. Manner in which authorities are required to record *satisfaction of danger to the security of the State or the maintenance of public order* is not res integra. In ‘*Jassa Singh @ Jassa Vs.*

State of Punjab’ 2016 (5) RCR (Criminal) 522 a Division Bench of this Court had observed as under:-

“.....For reaching satisfaction of danger to the security of the State or the maintenance of public order there has to be material before the District Magistrate, for consideration as to whether the release of a prisoner would be a threat to either or both of them. Parole cannot be denied and in fact is not liable to be denied on mere generalization by recording that generally it has been seen that prisoners on release generally engage themselves in smuggling activities causing danger to security of the country and contraband are again recovered from them. This can be ensured by asking the petitioner/prisoner to execute necessary bonds that while on parole he would maintain good behavior and will not indulge in any smuggling activities, besides, asking him to furnish heavy surety.”

10. Similarly in ***“Bansi Lal Versus State of Punjab and others”***, 2016 (4) RCR (Criminal) 1017, this Court had also observed as under: -

“15. The term 'Security of the State' out of the expressions of 'law and order', and 'public order' is considered more grave. It may arise from within or outside the State. It is generally understood as an act of aggression from outside, or militant and terrorists operations engineered by foreign agencies. It can also be effected by passing of classified information like documents, secrets, maps etc. to foreign countries or through undesirable foreign links. An act which poses a threat to the State is to be considered as a threat affecting the security of the State. 'Public order', however, is synonymous with public safety. It is something more than mere law and order. Every breach of peace does not lead to public disorder. Maintenance of public order is intended to prevent grave public disorder, which is not the same as maintenance of law and order. The latter is comparatively of a lesser gravity and in fact of local significance. An act which does not affect the public at large or has no impact on it, is not to be taken as an act affecting maintenance of public order. The distinction between law and order and public order is one of degree and extent of reach of the act in question on society. In the case of breach of law and order it affects individuals directly involved as distinct from the public at large. This would raise a law and order problem only. The true test is the potentiality of the act in question. One act may affect some individuals and local persons while another though of a similar nature may impact the public at large. An act which disturbs the even tempo of life of the public at large affects the maintenance of public order. These aspects are to be considered by the concerned District Magistrates and competent authorities under Act while deciding to recommend or not to recommend the temporary release of a prisoner on parole and/or passing orders for temporary release by the competent

authorities under the Act. The exercise is not to be lightly conducted and the concerned District Magistrate and/or the competent authorities are to apply their mind on the basis of inputs received by them for recommending or passing an order as the case may be for temporary release of prisoners on parole.”

11. On consideration of present case, we find that no such satisfaction has been recorded by Deputy Commissioner, Shaheed Bhagat Singh Nagar, as to justify conclusion noted in impugned order dated 12.02.2026. There is no material to indicate that if the petitioner is released, he will threat to security or/and there will be a breach of public peace / order or petitioner may violate parole Rules or may abscond or may commence/commit cognizable offence. The apprehension expressed by authorities vide impugned order dated 12.02.2026 is without any basis and result of surmises and conjectures. The grounds for rejection of parole are not well founded.
12. Accordingly, petition is allowed.
13. Impugned order dated 12.02.2026 (Annexure P-2) is set-aside. Petitioner shall be released on parole for a period of 8 weeks subject to furnishing necessary surety bonds to the satisfaction of the competent authority and on compliance of all other necessary formality in this regard. On expiry of 8 weeks, he shall surrender before concerned jail authority. Pending applications if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

07.04.2026
Anju rani

Whether speaking/reasoned	Yes
Whether reportable?	No