



CRWP-3678-2026

1

249

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

CRWP-3678-2026

Date of decision : 18.05.2026

Kashmir Singh @ Shera

.....Petitioner

versus

State of Punjab and others

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Hitesh Chopra, Advocate and Mr. Amit Kumar, Advocate
for the petitioner.

Mr. K.D. Sachdeva, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed seeking issuance of direction for setting aside/quashing of order dated 06.01.2026 passed by District Commissioner wherein, prayer for grant of parole for 08 weeks, was rejected with further prayer to direct respondents No.2 to 5 to release the petitioner on parole for a period of 08 weeks.

2. As per the facts of the case, the petitioner was prosecuted in a case FIR No.62, dated 10.11.2017 under Sections 21/22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Ghanie Ke Bangar, District Gurdaspur and after completion of trial, the petitioner was convicted and sentenced for rigorous imprisonment of 03 years and 06 months vide judgment of conviction and order of sentence dated 26.04.2024 passed by the learned Judge, Special Court, Gurdaspur. The petitioner assailed the order of his conviction and sentence by way of filing CRA-S-2056-2024, which has been admitted by this Court vide order dated 24.05.2024. Thereafter, petitioner filed an application for



27.01.2025, sentence of the petitioner was suspended by this Court. The petitioner applied for the grant of parole before the Jail Superintendent, Gurdaspur, which was forwarded to Deputy Commissioner-cum-District Magistrate, Gurdaspur, who thereafter, sought report from SSP, Gurdaspur to carry out the verification of the parole case of the petitioner. The Police authorities submitting a report stating that the petitioner belongs to a village which is allegedly a hotspot for drug trafficking and therefore the parole of the petitioner was not recommended. Ultimately, the Deputy Commissioner-cum-District Magistrate, Gurdaspur rejected the parole case of the petitioner vide impugned order dated 06.01.2026. Hence, aggrieved by the same, the petitioner has approached this Court by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that daughter of the petitioner is of marriageable age whose engagement has already been performed and thus, the petitioner moved an application for grant of 08 weeks parole before the Ld. Deputy Commissioner-cum-District Magistrate, Gurdaspur, however, the same has been rejected by the Ld. Deputy Commissioner-cum-District Magistrate, Gurdaspur vide impugned order dated 06.01.2026 on the ground that the petitioner belongs to a village which is a hotspot for drug trafficking. He has further submitted that case of the parole of the petitioner is governed by the provisions of the Punjab Good Conduct Prisoners (Temporary release) Act, 1962 and as per Section 3(1)(d) of the Act, he is entitled to the grant of parole. It is submitted that respondent No.2 after getting police verification report from respondent No.3 i.e. Senior Superintendent of Police, Gurdaspur, rejected the case of the petitioner for the grant of parole, vide impugned order dated 06.01.2026 on the ground that 05 more cases of similar nature



are registered against the petitioner and the concerned village is hotspot of drug trafficking. He further submits that the Panchayat of his village has also supported the case of the petitioner for releasing him on parole for 08 weeks. It is submitted that the petitioner has not been declared a proclaimed offender and, thus, in view of the aforesaid facts and circumstances, the respondent-authorities have wrongly declined prayer of the petitioner for grant of parole on the basis of totally flimsy grounds. He further submits that the impugned order passed by the respondent-authorities is unsustainable in the eyes of law in view of the law settled and, thus, submits that the impugned order deserves to be set aside.

4. Learned State counsel, per contra, has opposed the submissions made by counsel for the petitioner. He has filed a short reply by way of an affidavit of Mr. Mukhtiar Rai, Superintendent, Central Jail, Gurdaspur, on behalf of respondents No.2 and 4, in the Court today and same is taken on record. He submits that the petitioner is involved in smuggling of narcotics substances, clearly demonstrating his ongoing involvement in anti-national and anti-social criminal activities as he is involved in 05 more cases of similar nature. He, thus, submits that to maintain peace and harmony in the society, the order dated 06.01.2026, has rightly been passed by the respondent-authorities.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was convicted and sentenced for a period of 03 years and 06 months rigorous imprisonment. Gram Panchayat of village of the petitioner, has also supported the case of the petitioner. As per the law settled, the provisions of parole are designed to bring the convicts in mainstream of the life. The prayer for grant of parole



CRWP-3678-2026

4

petitioner belongs to a village which is a hotspot for drug trafficking, can never be justifiable for rejecting the application filed by any petitioner for grant of parole.

6. In the facts and circumstances of the present case, this Court is of the opinion that parole application of the petitioner cannot be rejected on the mechanical grounds like the concerned village is a hotspot of drugs trafficking. Thus, keeping in view the overall facts and circumstances of the present case on the anvil of the law settled, this Court does not find the impugned order passed dated 06.01.2026 to be sustainable in the eyes of law and hence, the same is hereby set aside.

7. In view of the above position, the present petition stands disposed of. However respondent No.2, i.e. District Magistrate/District Commissioner, Gurdaspur is directed to reconsider the application filed by the petitioner for grant of parole and pass a fresh order in accordance with law within a period of 02 weeks from the date of receipt of certified copy of this order.

(**RAJESH BHARDWAJ**)
JUDGE

18.05.2026*ps-I*

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