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

**CRWP No.3380 of 2026
Date of Decision: 21.05.2026**

Jaswinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Tushaar Madaan, Advocate
for the petitioner.

Mr. Ekompal Sagoo, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for quashing/setting aside the impugned order dated 11.03.2026 (Annexure P-6) passed by respondent No.3 (District Magistrate, Patiala). Further prayer has been made for directing respondent No.3 to forthwith grant 08 weeks of regular parole to the petitioner in the light of recommendations of respondents No.5 & 6 and directing the official respondents to release the petitioner for eight weeks parole enabling him to meet and look after his family members and to settle the household affairs under Section 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and Amended Act, 2015-16 and Punjab Government Notification dated 13.12.2018 vide no.30-PLA-2018/61.



2. Learned counsel for the petitioner has submitted that the petitioner was prosecuted in a case bearing FIR No.122, dated 18.07.2006, under Sections 15/25/29/60/61/85 of the NDPS Act, 1985, registered at Police Station Bawani Khera, District Fatehabad. He has submitted that after conclusion of the trial, the petitioner was convicted and sentenced for 14 years rigorous imprisonment along with fine of Rs.1,00,000/- vide judgment of conviction and order of sentence dated 17.07.2009 passed by the learned Additional Sessions Judge, Bhiwani. He has submitted that the petitioner assailed the order of his conviction and sentence by way of filing CRA-D-692-DB-2009, which was dismissed by this Court vide order dated 03.12.2012. He has submitted that the petitioner earlier approached this Court by way of filing CRWP No.4559 of 2025 challenging the order dated 17.04.2025, whereby his parole application was dismissed by the District Magistrate and this Court vide order dated 04.07.2025 by setting aside the order dated 04.07.2025, directed the respondent authorities to release the petitioner on parole for 04 weeks. He has further submitted that the petitioner has duly complied with the terms and conditions of the said parole order and surrendered back to custody well within the stipulated period. He has submitted that now the petitioner has submitted fresh application for the grant of 08 weeks of parole to meet his family members and to settle the household affairs. He has submitted that respondent No.4 has duly forwarded the application of the petitioner to respondent No.3, who after receiving a detailed verification report from the police authorities and the



Station House Officer, Police Station patran, strongly recommended the grant of eight weeks parole to the petitioner to meet his family members on 03.11.2025. he has submitted that the Deputy Superintendent of Police Patran vide its report dated 29.11.2025 forwarded the positive recommendation to SHO endorsing the release of the petitioner on parole. He has further submitted that the Panchayat of village Kalarbhaini, Patran, District Patiala has also supported the case of the petitioner for releasing him on parole vide Annexure P-4. He has submitted that out of the total awarded sentence of 14 years, the petitioner had already undergone the custody of 12 years and 04 months 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 vide order dated 11.03.2026. He has submitted that the impugned order dated 11.03.2026 passed by the respondent-authorities is unsustainable in the eyes of law in view of the law settled and, thus, the same deserves to be set aside.

3. Per contra, learned counsel for the State has submitted that the petitioner is a habitual offender as he is involved in various other cases and he can also escape in case of release on parole.

4. Heard.

5. On hearing learned counsel for the parties and perused the record, it is deciphered that out of the awarded sentence of 14 years rigorous imprisonment, the petitioner has already undergone more than 12 years sentence. Gram Panchayat of village Kalarbhaini, Block Patran,



District Patiala has also supported case of the petitioner vide Annexure P-4. 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 cannot be declined in a mechanical manner. The issue regarding apprehension of breach of peace etc. has already been dealt with by this Court time and again. This ground can never be justifiable for rejecting the application filed by any accused for grant of parole. The petitioner has every right to meet his family members.

5. 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 breach of peace or creation of unpleasant situation by the convict especially when this observation has been made without referring to any reliable material which the authority concerned had considered before coming to such a conclusion.

6. Hon'ble the Division Bench of this Court in case of **Avdesh Kumar vs. State of Punjab and others**, in CRWP-2664-2023 decided on 02.06.2023, has held as under:-

“16. Admittedly, in the case in hand, the claim of the petitioner had been rejected on the ground that in case he is released on parole, he would indulge in sale of contraband besides it would give bad effect to the young generation and there was apprehension of breach of peace. The impugned order does not refer to any material on the basis of which said satisfaction has been recorded and as is based merely on conjectures and surmises. Such a consideration is unsustainable and can be routinely pressed into action for defeating the statutory objective to temporarily release a convict in terms of the provisions of the Act. Mere apprehension of the petitioner indulging in sale of contraband or



of causing breach of peace would not bring the case within the ambit of Section 6(2) of the Act so as to enable the competent authority to reject the application for temporary release on parole.

17. Accordingly, in view of the fact that the rejection of the claim of the petitioner for temporary release does not fall within the ambit of either of the twin grounds stipulated in Section 6 (2) of the Act besides is based on mere conjectures and surmises without there being any material to arrive on said satisfaction, we are of the considered view that the impugned order is legally unsustainable and is liable to be set aside and the petitioner held entitled to concession of eight weeks parole.”

7. Thus, keeping in view the overall facts and circumstances of the present case on the anvil of the law settled, the impugned order dated 11.03.2026, being unsustainable in the eyes of law, is hereby set aside.

8. The petitioner is ordered to be released on parole for a period of 04 weeks on his completing the necessary formalities, as required by the respondent-authorities, in accordance with law. The Competent Authority is directed to pass the necessary order in this regard within a period of one week from the date of receipt of certified copy of this order.

9. Petition stands allowed in the above terms.

21.05.2026

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Whether speaking/reasoned
Whether reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No