

CRWP No. 5022 of 2026

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

CRWP No. 5022 of 2026

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
20.05.2026	29.05.2026	FULL PRONOUNCED	29.05.2026

Manish Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. S.S. Sarwara, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
204	29.08.2024	Balongi, District SAS Nagar	64, 88 of BNS and 6 of POCSO Act

1. Seeking quashing of impugned order dated 02.03.2026 (Annexure P-3) passed by District Magistrate in the FIR captioned above, whereby the application for grant of parole to the petitioner has been rejected, the convict has come up before this Court by filing the present writ petition under Article 226 of Constitution of India.

2. The reasons for rejection of petitioner's parole are mentioned in Annexure P-1 which is information regarding prisoners applying for parole. This report was issued by Senior Superintendent of Police upon reports forwarded by the concerned SHO and DSP of the Police Station.

3. As per Annexure P-1, the prisoner has criminal antecedents under Section 6 of POCSO Act and one case of snatching. The reason for parole is to meet the family members and as per this report, the petitioner has five family members. In column no. 11, it has been mentioned that if released on parole, the petitioner can commit an offense, can abscond, is of dangerous character and is a hard core criminal. In column no. 13, it has been mentioned that it is his first parole. In column no. 15, it has been mentioned that the

parole has been recommended by Panchayat and the document was attached with such report with the police. In column no. 18, it has been mentioned that during parole, the petitioner will stay with his father in Mohali SAS Nagar and the address is mentioned. In column no. 23, it has been mentioned that if released on parole, then the petitioner could spoil the atmosphere in the locality and there is a possibility of his absconding. In column no. 29, it has been mentioned that petitioner's mother is yet to be arrested and petitioner is a habitual offender, as such they are not recommending the parole.

4. A perusal of the parole form containing 29 columns clearly points out that it is mechanical in nature and no reason has been mentioned that on what basis such columns have been filled up. As per Annexure P-2 issued by Senior Superintendent of Police and addressed to District Magistrate, SAS Nagar, the parole was rejected based on the report given in Annexure P-1. It is mentioned that convict is a habitual offender and if released on parole, there is a strong apprehension that he may further commit crimes and disrupt the maintenance of law and order. Infact in the report there was no mention of disruption of law and order but it appears that a usual format has been followed by the concerned Senior Superintendent of Police, SAS Nagar without even reading it carefully.

5. Be that as it may, the parole was rejected on the basis of report forwarded by SSP. Thereafter, the District Magistrate relying upon such report, did not approve the parole. The parole does not mention the address and other details about the victim. Although the conviction in the present case is under Section 6 of POCSO Act, but neither the age of the victim nor other particulars are mentioned. If this Court releases such a person on parole, the primary safeguard is to protect the victim and her family members. It is also to be ensured that the victim does not confront the accused or vice versa and the accused does not contact the victim or her family through social media.

6. A perusal of the petition also does not refer to any such undertaking, however considering that the parole was rejected specifying that petitioner was a threat to the victim and whether any report was taken from the victim or her family members or not, it was merely on a form submitted by the Police, as such the ends of justice would suffice by quashing the order of rejection of parole passed by District Magistrate on the basis of report of SSP and further on the report of SHO.

7. Consequently, the present writ petition is disposed of with liberty to the petitioner to again apply for parole by mentioning and undertaking that he would not stay in the village or in the area where the victim is residing and would also mention the address where he would stay during the period of parole. Further he would mention the relations and affidavit of the person in whose place the petitioner would reside. If such an application is filed along with the address and the undertaking of the person in whose

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house the petitioner would be residing, then the Jail Superintendent shall grant him parole in accordance with law. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

(SUKHVINDER KAUR)
JUDGE

29.05.2026
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.