

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-4834-2026 (O&M)

JUDGEMENT RESERVED ON	JUDGEMENT PRONOUNCED ON	OPERATIVE PART PRONOUNCED OR FULL	UPLOADED ON
18.05.2026	26.05.2026	FULL PRONOUNCED	26.05.2026

Davinder Singh alias BabaPetitioner

Vs.

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Sandeep Godara, Advocate for
Mr. A.P.S. Rehan, Advocate
For the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

1. Aggrieved by order dated March 30, 2026 passed by District Magistrate Hoshiarpur, the petitioner has come up before this court by filing the present criminal writ petition.
2. Prior to this the petitioner had earlier also approached this court by filing a similar writ petition.
3. By Order dated March 10, 2026 passed in CRWP-1792 of 2026, Davinder Singh alias Baba versus State of Punjab, this Court had quashed the earlier order passed by the District Magistrate Hoshiarpur, whereby the parole of the petitioner was declined on December 31, 2025.
4. After that, the District Magistrate, Hoshiarpur, has passed a reasoned order dated March 30, 2026, vide which the release of the petitioner on parole was not recommended. The reasons on which the parole has been rejected are that, apart from the present case, one more case is pending against him under NDPS Act and he was declared as a proclaimed person on July 07, 2023 by the Additional District & Sessions Judge, Hoshiarpur, for not appearing on the date of hearing and he was re-arrested on July 21, 2023. Further, as per the police report, the convict has connections with drug peddlers and he may indulge in selling drugs again and jump parole. For these reasons, the police did not recommend parole leave for convict- Davinder Singh and based on such report received from the police department, by letter number 28590 dated March 26, 2026, the parole of the convict Devinder Singh alias Babba was rejected.

5. The petitioner’s case is that parole is a right. Parole is a right subject to the fundamental condition that during parole, the person does not conduct criminal activities and, secondly, that he is not a flight risk, that is, he surrenders back to custody. In the present case, it is not the flimsy reason that the District Magistrate has rejected the parole, but an inquiry was got conducted from the police in which a report has come of both the risks. There is a specific allegation of the petitioner's connections with drug mafia and his earlier conduct of flight risk. Regarding earlier conduct, the incident is old, but we cannot rule out that he may not jump the parole, but considering the flight risk, certain conditions can be imposed. However, regarding the petitioner repeating the offense during the parole, there is no material before this Court to discard such police findings at this stage. The reports given by the police are not placed on record and without going through such reasons, it is not possible for this Court to say that on what basis and on what inquiry, the parole was rejected.
6. Given the above, the present petition is **disposed of** with the following directions.
- (i) The petitioner may apply parole again.
 - (ii) The petitioner, while applying the parole, shall give reasons that if released on parole, how he would satisfy that he shall not abscond and surrender back to the prison and shall mention such reasons in detail.
 - (iii) If police report is not again in the favour of the petitioner, the copy shall be supplied to the petitioner to enable him to challenge the same if found to be arbitrary.
 - (iv) Since, the decision taken by the District Magistrate is purely on the report of the police, as such, there shall be no need for the District Magistrate to give a report, if the police report is not found in favour of the petitioner. The same shall be supplied to him to enable him to avail legal remedies in accordance with law.

Pending applications if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

May 26, 2026
Anju rani

Whether speaking/reasoned	YES
Whether reportable	NO