



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

**CRWP-4586-2025 (O&M)
Date of Decision:15.01.2026**

Balwinder Singh @ Saimpy

...Petitioner

Vs.

State of Punjab and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT
HON'BLE MR. JUSTICE H.S.GREWAL**

Present : Mr. Gautam Kumar, Advocate for
Mr. Satnam Singh Gill, Advocate, for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 15.04.2025 (Annexure P-1) passed by the learned District Magistrate, Patiala, whereby the application moved by the petitioner for releasing him on 08 weeks on regular parole has been declined in case FIR No.42 dated 28.06.2021, under Section 22(c), 25 and 29 of NDPS Act, 1985, at Police Station Thuliwal, District Barnala.

2. Learned counsel for the petitioner contends that the petitioner was falsely involved in the FIR captioned above and ultimately, after holding the trial, the learned Special Court, Barnala

convicted the petitioner under Section 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter to be referred as Act) and was sentenced to undergo rigorous imprisonment for a period of 15 years and to pay a fine of Rs.1,50,000/- on 06.05.2024. The petitioner filed a Criminal Appeal i.e. CRA-D-849 of 2024 against the judgment of conviction and order of sentence dated 06.05.2024, passed by the Special Court, Barnala before this Court and the same is lying admitted for consideration. Since the petitioner had always maintained good conduct in the jail, he applied for regular parole to him, vide application dated 15.04.2025 (Annexure P-1). The petitioner submitted in the application that Jaspreet Kaur, his daughter has been diagnosed with tuberculosis and there is no male member at home to look after his daughter. Even, father of the petitioner is handicapped person and is suffering from old age related diseases. He further prayed that the petitioner deserves to be released on parole for a period of 8 weeks, in view of the provisions contained in Section 3(1) of the Punjab Good Conduct Prisoners Temporarily Release Act.

3. On the other hand, a detailed reply has been filed on behalf of respondents No.1 to 3 and the same is taken on record. Learned State counsel submits that the petitioner is a hardened criminal and as per record, the following 08 criminal cases were ordered to be registered against him:-

1. *FIR No. 463 dated 30.09.2023 U/s 52-A Prison Act, Police Station City Barnala, Barnala.*

2. *FIR No. 85 dated 05.03.2024 U/s 52-A Prison Act, Police Station City Barnala, Barnala.*
3. *FIR No. 175 dated 26.06.2019 U/s 15 Act of Code of Criminal Procedure, 1973, Police Station Bhawanigarh.*
4. *FIR No. 87 dated 13.06.2017 U/s 15 NDPS Act, Police Station Moonak.*
5. *FIR No. 93 dated 05.07.2020 U/s 22-25-29 NDPS Act, Police Station City Samana, Patiala.*
6. *FIR No. 361 dated 30.07.2023 52-A Prison Act, Police Station City Barnala, Barnala.*
7. *FIR No. 289 dated 27.06.2023 52-A Prison Act, Police Station City Barnala, Barnala.*
8. *FIR No. 58 dated 09.05.2020 U/s 15-25-29-61-85 NDPS Act, Police Station City Samana, Patiala.*

4. Learned State counsel further submits that the Senior Superintendent of Police, Patiala had prepared a detailed report (Annexure R-2/T) and as per the said report, the petitioner has been found to be a smuggler of drugs and it was observed that he could even smuggled drugs during his parole period and parole may not be granted. Learned State counsel further submits that even during his custody, the conduct of the petitioner was not good and three cases under Section 52-A of Prisons Act were also ordered to be registered

against him. Even in case, he has released on parole, he may again get involved in similar cases.

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

6. The Hon'ble Supreme Court of India in the matter of ***Asfaq Vs Rajasthan and others (2017) 15 SCC 55*** had considered the nature, object, purpose and parameters for grant of parole subject to which the parole can be granted, by making the following observations:-

“18. The provisions of parole and furlough, thus, provide for a humanistic approach towards those lodged in jails. Main purpose of such provisions is to afford to them an opportunity to solve their personal and family problems and to enable them to maintain their links with society. Even citizens of this country have a vested interest in preparing offenders for successful re-entry into society. Those who leave prison without strong networks of support, without employment prospects, without a fundamental knowledge of the communities to which they will return, and without resources, stand a significantly higher chance of failure. When offenders revert to criminal activity upon release, they frequently do so because they lack hope of merging into society as accepted citizens. Furloughs or parole can help prepare offenders for success.

19. Having noted the aforesaid public purpose in granting parole or furlough, ingrained in the reformation theory of sentencing, other competing public

interest has also to be kept in mind while deciding as to whether in a particular case parole or furlough is to be granted or not. This public interest also demands that those who are habitual offenders and may have the tendency to commit the crime again after their release on parole or have the tendency to become threat to the law and order of the society, should not be released on parole. This aspect takes care of other objectives of sentencing, namely, deterrence and prevention. This side of the coin is the experience that great number of crimes are committed by the offenders who have been put back in the street after conviction. Therefore, while deciding as to whether a particular prisoner deserves to be released on parole or not, the aforesaid aspects have also to be kept in mind. To put it tersely, the authorities are supposed to address the question as to whether the convict is such a person who has the tendency to commit such a crime or he is showing tendency to reform himself to become a good citizen.

20. Thus, not all people in prison are appropriate for grant of furlough or parole. Obviously, society must isolate those who show patterns of preying upon victims. Yet administrators ought to encourage those offenders who demonstrate a commitment to reconcile with society and whose behaviour shows that aspire to live as law abiding citizens. Thus, parole program should be used as a tool to shape such adjustments.

21. To sum up, in introducing penal reforms, the State that runs the administration on behalf of the society and for the benefit of the society at large cannot be unmindful of safeguarding the legitimate rights of the

citizens in regard to their security in the matters of life and liberty. It is for this reason that in introducing such reforms, the authorities cannot be oblivious of the obligation to the society to render it immune from those who are prone to criminal tendencies and have proved their susceptibility to indulge in criminal activities by being found guilty (by a Court) of having perpetrated a criminal act. One of the discernible purposes of imposing the penalty of imprisonment is to render the society immune from the criminal for a specified period. It is, therefore, understandable that while meting out humane treatment to the convicts, care has to be taken to ensure that kindness to the convicts does not result in cruelty to the society. Naturally enough, the authorities would be anxious to ensure that the convict who is released on furlough does not seize the opportunity to commit another crime when he is at large for the time-being under the furlough leave granted to him by way of a measure of penal reform.

22. Another vital aspect that needs to be discussed is as to whether there can be any presumption that a person who is convicted of serious or heinous crime is to be, ipso facto, treated as a hardened criminal. Hardened criminal would be a person for whom it has become a habit or way of life and such a person would necessarily tend to commit crimes again and again. Obviously, if a person has committed a serious offence for which he is convicted, but at the same time it is also found that it is the only crime he has committed, he cannot be categorized as a hardened criminal. In his case consideration should be as to whether he is showing the

signs to reform himself and become a good citizen or there are circumstances which would indicate that he has a tendency to commit the crime again or that he would be a threat to the society. Mere nature of the offence committed by him should not be a factor to deny the parole outrightly. Wherever a person convicted has suffered incarceration for a long time, he can be granted temporary parole, irrespective of the nature of offence for which he was sentenced. We may hasten to put a rider here, viz. in those cases where a person has been convicted for committing a serious offence, the competent authority, while examining such cases, can be well advised to have stricter standards in mind while judging their cases on the parameters of good conduct, habitual offender or while judging whether he could be considered highly dangerous or prejudicial to the public peace and tranquility etc.

*23. There can be no cavil in saying that a society that believes in the worth of the individuals can have the quality of its belief judged, at least in part, by the quality of its prisons and services and recourse made available to the prisoners. Being in a civilized society organized with law and a system as such, it is essential to ensure for every citizen a reasonably dignified life. If a person commits any crime, it does not mean that by committing a crime, he ceases to be a human being and that he can be deprived of those aspects of life which constitute human dignity. For a prisoner all fundamental rights are an enforceable reality, though restricted by the fact of imprisonment. {See - **Sunil Batra (II) v. State (UT of Delhi) (1980) 3 SCC 488, Maneka Gandhi v. Union of***

India (1978) 1 SCC 248 and Charles Sobraj v. Superintendent Central Jail, Tihar, New Delhi, (1978) 4 SCC 104.

7. From the above referred submissions, it is apparent that undoubtedly, the Courts must adopt a humanistic approach, while granting the concession of parole to the prisoners, so that they may take care of their personal as well as family problems and maintain the relations/links with the family members and the society at large. However, this Court cannot ignore the fact that the petitioner is a hardened criminal and as per the reply filed by the State of Punjab, he was found involved in four other cases under various provisions of NDPS Act. Apart from that, even during his stay in jail, four FIRs have been ordered to be registered against him under Section 52-A of the Prisons Act. Thus, even now, the petitioner has not reformed himself and has committed crime, while he was lodged in jail also. Apart from that, we find substance in the submissions made by learned State counsel that while on parole also, the petitioner may get in touch with other smugglers and may abscond also and may get involved in other similar cases. Consequently, it would not be appropriate to release the petitioner on parole at the stage, when he has been recently convicted by the trial Court.

8. In view of the above, we find no ground to allow the instant petition and the same is, accordingly, ordered to be dismissed.

9. All pending applications, if any, are disposed off, accordingly.

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

15.01.2026
Hemlata

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