

CRWP-5461-2025 (O&M)**-1-**

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

CRWP-5461-2025 (O&M)**Dated: 05.05.2026****Gurwinder Singh alias Guri****...Petitioner****Vs.****State of Punjab and others****...Respondents**

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Vipin Mahajan, Sr. Advocate with
Ms. Manju Fulora, Advocate
for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

ROHIT KAPOOR, J. (Oral)

The instant petition has been filed under Article 226 of the Constitution of India, wherein the petitioner has challenged the order dated 04.11.2024 (Annexure P-2), passed by the Deputy Commissioner-cum-District Magistrate, Gurdaspur-respondent No.3, whereby his prayer for grant of parole for a period of 08 weeks has been rejected.

2. The petitioner has been convicted in FIR No.13 dated 28.02.2021 u/s 302, 307, 379-B(2), 323, 341, and 34 of IPC registered at police station Ghuman, District Gurdaspur, and has been sentenced to undergo imprisonment for life.

3. Learned counsel for the petitioner submits that the petitioner, who is currently confined in Central Jail, Gurdaspur, had submitted an application for parole under the provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred to as 'the Act'). It is contended that the



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conduct of the petitioner during the entire period of incarceration of more than 05 years and 07 months, both as an undertrial and a convict, has been good and he has never committed any jail offence. Despite the same, respondent No.3 vide the order dated 04.11.2024 has rejected the application of the petitioner merely on the ground that his reputation is not good, since he stands convicted in a case of murder of a lady while committing the offence of snatching. Additionally, the report of the police authorities indicates that he has no other family members, other than his brother. On the apprehension that his release may disturb the peace and tranquility of the village, the prayer of the petitioner has been refused.

4. Learned counsel for the petitioner has argued that likelihood of committing a crime and mere possibility of breach of peace cannot be a ground for denying the release of the petitioner on parole, as held by the Coordinate Bench of this Court in the case of ***Ram Chander vs. State of Punjab and others, 2017(3) RCR(Cri.) 340 (2).***

5. Learned State counsel while opposing the relief claimed by the petitioner has drawn the attention of this Court to the reply filed on behalf of the respondents, wherein there is a reference to the involvement of the petitioner in case FIR No.116 dated 28.08.2014 registered under sections 363, 366, 376, 341, 120-B IPC registered at police station Ghuman. It is submitted that the petitioner was declared a proclaimed offender in the said case vide order dated 11.07.2016, and was made to join the proceedings after taking production warrant.

6. In response, learned counsel for the petitioner has placed before us the judgment of the Additional Sessions Judge, Fast Track Special Court, Gurdaspur, dated 08.04.2026, whereby the petitioner stands acquitted in the case referred to above.



7. He has invited the attention of this Court to the judgment wherein the prosecutrix in her testimony had stated that the petitioner herein did not commit any offence against her, and he was acquitted since the Court found that there was no evidence connecting the petitioner with the charges framed against him.

8. We have heard the learned counsels for the parties and perused the material available on record.

9. The undisputed position is that the petitioner has committed no offence during his period of incarceration and there is no allegation regarding his conduct not being good during such period. Perusal of the order rejecting his parole would indicate that the same is based on a mere apprehension that his release may disturb the peace and tranquility of the village. The other ground is that apart from his real brother, he does not have any other member in his immediate family. From perusal of the records, we find that the reasons for rejection of the petitioner's request are unfounded and are not based upon any available material. The object of the Act is to provide for temporary release of prisoners for good conduct on certain conditions. As discussed hereinabove, it is not the case of the respondents that the conduct of the petitioner during his period of incarceration was not found to be good. It is well settled that mere apprehension of breach of peace or tranquility, cannot be the basis for denying parole. Records reveal that the Sarpanch of the village of the petitioner has issued a certificate that he has been residing in the village since his birth and prior to his conviction, there was an incident of fire in his house, which resulted in the burning of all essential documents. It was further certified that the petitioner has property in the village.



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10. The facts of the case would thus indicate that the petitioner has deep roots in the society and has a valid reason for seeking parole to meet his brother and to carry out required tasks for preparation of documents, which may have been burnt during the fire incident.

11. While considering the request of a convict for parole, balance has to be maintained between two competing interests- that of reforming the convict on one hand, and public purpose and interest of society on the other. Criminological objective of grant of parole is the reformation of the prisoner and due consideration must be given to that societal aim (See: *Asfaq vs. State of Rajasthan*¹).

12. In view of the aforesaid discussion, the instant petition is **allowed** and the impugned order dated 04.11.2024 (Annexure P-2) rejecting the application of the petitioner for parole is set aside. The petitioner shall be released on parole for a period of 08 weeks, subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and an undertaking to maintain peace and good behaviour during the period of parole and shall surrender before the jail authorities after the expiry of his parole.

(ASHWANI KUMAR MISHRA)
JUDGE

05.05.2026
Mohit goyal

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether Reportable : *Yes/No*

¹ (2017) 15 SCC 55