

CRWP 5894 of 2025 (O&M)

2026:PHHC:007215-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP 5894 of 2025 (O&M)
Date of Decision:20.01.2026

Raj Kumar @ Raju

...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. Shrenik Jain, Advocate, for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India for quashing the order dated 21.01.2025 (Annexure P-1) passed by respondent No.2, whereby his request for grant of parole has been declined on the basis of an adverse report submitted by the Commissioner of Police, Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner was implicated in FIR No.77 dated 18.02.2021 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Division No.5, District Ludhiana. He

further submits that the petitioner was convicted by the learned trial Court and sentenced to undergo rigorous imprisonment for a period of 12 years vide judgment dated 12.03.2024. Challenging the said conviction and sentence, the petitioner has preferred CRA-D-819-2024, which is presently pending adjudication before this Hon'ble Court. Learned counsel further contends that during the pendency of the said appeal, the petitioner submitted an application before the District Magistrate seeking grant of parole, however, the said application was rejected solely on the basis of the report of the Commissioner of Police, Ludhiana.

4. Learned State counsel submits that there is no infirmity or illegality in the impugned order and that the petitioner, if released on parole, may disturb public order and may also start selling drugs and the present petition is liable to be dismissed.

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

6. Sections 3 and 4 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 provide for the temporary release of eligible inmates (such as parole or furlough) for specific reasons, including family illness, death, or natural calamity, subject to good conduct. Section 3 provides for the grounds on which release may be granted, while Section 4 provides for the conditions, disqualifications, and safeguards, including potential denial if release poses a threat to state security.

7. In the instant case, the prayer made by the petitioner for temporary release on parole for a period of eight weeks was declined by respondent No. 2 solely on report received from the office of the Commissioner of Police, Ludhiana. However, a perusal of the impugned order does not disclose any material or basis on which respondent No. 2 arrived at a conclusion that “there is apprehension that the prisoner may come and start selling drugs after being released on parole and may disturb the local peace (public order) among the general public.” Apart from that, it is not the case of the respondent authorities that the petitioner is otherwise ineligible for grant of parole.

8. In view of the above discussion, this Court is of the considered opinion that the impugned order is not sustainable in the eyes of law. Accordingly, the present petition is partly allowed and the impugned order is hereby set aside. The respondents are directed to release the petitioner on temporary parole for a period of four weeks from the date of his release from jail, subject to his furnishing sufficient bonds in terms of the statutory provisions to the satisfaction of the competent authority, which shall also impose such conditions as may be deemed necessary to ensure that the temporary release is not misused. The petitioner shall undertake to maintain peace and good behaviour during the parole period and shall surrender back to jail immediately upon expiry of the parole period.

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

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

20.01.2026
amit rana

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