



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

CRWP-6937-2026

Date of Decision:02.07.2026

Bohar Singh @ Boharh Singh

...Petitioner

Vs.

State of Punjab and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Rajiv Joshi, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Article 226 of the Constitution of India read with Section 3 of the Punjab Good Conduct Prisoners (Temporary Release), Act for grant of regular parole for a period of eight weeks. A further prayer has been made to quash the order dated 09.10.2025 (Annexure P-2) passed by respondent No.4, whereby, the claim of the petitioner for grant of parole was ordered to be rejected.

2. Learned counsel for the petitioner has vehemently argued that the petitioner was convicted by the Special Judge, Sri Muktsar Sahib vide the judgment dated 18.02.2025 in a case arising out of FIR No.184, dated 09.11.2017 under Sections 22/61/85 of NDPS Act, registered at Police Station City Malout, District Sri Muktsar Sahib. The petitioner filed a Criminal Appeal i.e CRA-S-2078-2025 titled as "Bohar Singh @ Boharh Singh Vs. State of Punjab" before this Court, which is pending for adjudication. Now, after the conviction, the petitioner has already undergone the total custody of more than

one year and four months and in view of the provisions of Section 3 of the Punjab Good Conduct Prisoners (Temporary Release), Act, he is entitled to be released on regular parole. Learned counsel further submits that even he applied to the District Magistrate, Sri Muktsar Sahib for grant of parole, however, his prayer was declined by passing the impugned order dated 15.10.2025 (Annexure P-2). In the impugned order, it has been mentioned that there is a danger of public order being disturbed in the State upon his release on parole. Further, an apprehension has been expressed in the impugned order that the petitioner may engage in the narcotics trade after coming out of the jail. Learned counsel further submits that in fact, in the past also, the petitioner had maintained good conduct and had never posed any kind of threat to the public law and order. Apart from that, the observations have been made by the competent authority without any material on record and such apprehension is imaginary. Still further, the apprehension expressed by the competent authority may be addressed by imposing conditions on him. Learned counsel further submits that even while declining the prayer of parole, the District Magistrate had not applied its mind independently to the material on record and the mandatory provisions of the “Act”, which are applicable to the facts of the present case. Apart from that, even his conduct in the jail had been good and he had not availed any parole on earlier occasion.

3. On the other hand, learned State counsel has placed on record a short reply by way of an affidavit of Superintendent, District Jail, Sri Muktsar Sahib on behalf of respondents No.1 to 3 and the same is taken on record..

4. Learned State counsel has vehemently opposed the prayer by submitting that the competent authority has already applied its mind to the facts

of the present case and there is a well founded apprehension that in the event of release of the petitioner on parole, he might get involved in narcotics trade. Apart from that, the petitioner is also involved in one more FIR i.e. FIR No.156/2019, under Section 22 of NDPS Act, Police Station Kot Bhai and he might again get in touch with the smugglers of drugs. Thus, the present petition deserves to be dismissed by this Court.

5. I have heard learned counsel for the parties and perused the record carefully; with their able assistance.

6. In the present case, it is not in dispute that the petitioner has already undergone more than one year and four months of actual custody after his conviction and has undergone more than one year and ten months of actual custody, which includes the custody undergone during trial also. Even, he was ordered to be released on bail during the pendency of the trial before the Trial Court and he never posed any threat to the law and order of the society nor he was involved in any other anti-social activity. Even, in the impugned order, the apprehension expressed by the District Magistrate, Sri Muktsar Sahib, is without any basis as no specific material/instance has been reported by him. Apart from that, the maintenance of law and order is a State subject and the administration as well as the police authorities are bound to maintain the same in the society. It is also apparent from the order passed by the District Magistrate, Sri Muktsar Sahib that it has been passed in a standard format, without any application of mind and without referring to any material or specific instance. Still further, the apprehension expressed by learned State counsel that the petitioner may again engage in narcotics trade after coming out of bail, can be addressed by imposing stringent conditions on the present petitioner.

7. Consequently, the present petition is allowed and the petitioner is ordered to be released on parole for a period of **two weeks from 04.07.2026** subject to his furnishing requisite bonds to the satisfaction of the competent authority/District Magistrate concerned. The petitioner shall surrender before the jail authorities on completion of period of 02 weeks.

8. It is clarified that in case, the petitioner involved in narcotics trade or any other similar activity, the present order shall be liable to be withdrawn immediately, without any further notice to the petitioner and the State of Punjab would be at liberty to move an application in this regard.

9. The petition stands allowed in the abovesaid terms.

02.07.2026
hitesh

(N.S.SHEKHAWAT)
JUDGE

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