



CRWP-7791-2025

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234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-7791-2025

Date of Decision: 14.01.2026

Jatinder Singh alias Gaggu

...Petitioner

VS.

State of Punjab and others

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat
Hon'ble Mr. Justice H.S.Grewal**Present :** Mr. S.P.S. Khaira, Advocate, for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

Mr. Sarfraj Hussain, Advocate with
Mr. Akash Sheoran, Advocate, for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present Criminal Writ Petition under Articles 226/227 of the Constitution of India read with Section 3(1)(c) of Punjab Good Conduct Prisoner (Temporary Release) Act, 1962 in case FIR No.102 dated 31.10.2020 under Sections 302, 364-A, 201, 34 of IPC, registered at Police Station City Balachaur with a prayer to issue a direction to the respondents to release the petitioner on parole for a period of 08 weeks' as he wants to meet his relatives.

2. Learned counsel for the petitioner submits that the petitioner was convicted vide judgment dated 05.12.2023 passed by the learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar and while undergoing sentence at Central Jail, Kapurthala, applied for parole for a period of eight weeks to meet his relatives. After submitting the application for parole to the Superintendent

Jail, Kapurthala, the same was forwarded to the office of District Magistrate, Shaheed Bhagat Singh Nagar alongwith the requisite documents. Learned counsel further submits that the said application has been rejected on the ground that there is no family member at his home and his parents have already passed away. In case, the petitioner is released on parole, he can commit some other offence and he would not return to the jail upon the completion of the period of parole. Learned counsel next contends that the petitioner has already undergone more than 04 years and 07 months of custody and has been in continuous custody since his arrest.

3. Learned State counsel as well as learned counsel for the complainant have vehemently argued 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 abscond as he has committed serious offences. Accordingly, it is urged that the present petition is liable to be dismissed.

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

5. Sections 3 and 4 of the Act 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.

6. 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 District Magistrate, Shaheed

Bhagat Singh Nagar. 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 a fear of breaking the law and order situation with the release of parole”. It is not the case of the respondent authorities that the petitioner is otherwise ineligible for grant of parole.

7. 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 allowed. 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.

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

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

14.01.2026
hemlata

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