

CRWP-9074-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision :29.04.2026

Chaju @ Babu Miyan

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Suram Singh Rana, Advocate for the petitioner.

Mr. Yatin Bunker, AAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 17.01.2025 (Annexure P/1) passed by respondent No.3-District Magistrate, Bareilly, Uttar Pradesh whereby, the prayer of the petitioner for the grant of benefit of parole for a period of 08 weeks under Section 3(1) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 has been declined.

2, Learned counsel appearing for the petitioner submits that though, the impugned order has been passed on the basis of the report given by the Senior Superintendent of Police, Bareilly Uttar Pradesh that in case, the petitioner is granted the benefit of parole, the possibility of any untoward incident cannot be ruled out but the said view is cyclostyled view of the Senior Superintendent of Police, Bareilly Uttar Pradesh and that too without any basis or evidence to record the said finding and therefore, the order passed by the authority concerned may kindly be set aside.

3. Learned counsel for the respondents on the other hand submits that

once, an adverse report has been received from the Senior Superintendent of Police, Bareilly Uttar Pradesh, the benefit of parole cannot be granted and therefore, the prayer of the petitioner may kindly be rejected.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that even if, there is any apprehension of breach of peace, the same has to be supported by a cogent reason. Mere apprehension cannot be a ground to deny the benefit admissible to a convict. In the present case, the benefit of parole has been denied to a convict only on the apprehension of the Senior Superintendent of Police, Bareilly that the happening of untoward incident cannot be ruled out. No reason/fact has been given as to how the said opinion has been formed and in the absence of any such fact brought to the notice of this Court, the report of the Senior Superintendent of Police, Bareilly cannot be relied upon so as to deny the benefit of parole to the petitioner hence, the impugned order dated 17.01.2025 (Annexure P/1) passed by respondent No.3-District Magistrate, Bareilly, Uttar Pradesh is set aside.

6. The Senior Superintendent of Police, Bareilly Uttar Pradesh is directed to furnish a fresh report based upon actual facts and not on apprehension whether or not, the benefit of parole could be granted to the petitioner. The said report should reach to the office of concerned Superintendent of Jail, within a period of 04 weeks from date of receipt of copy of this order. Copy of this order will be sent by the concerned Superintendent of Jail to the Senior Superintendent of Police, Bareilly Uttar Pradesh for information and necessary action and the Senior Superintendent of Police, Bareilly, Uttar Pradesh will comply with the said order and after receiving the report of the Superintendent of Police, Bareilly Uttar Pradesh, the authority concerned will pass a fresh order with regard to the claim of

the petitioner for the grant of benefit of parole within a period of 04 weeks from

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the date of receipt of report from the Superintendent of Police, Bareilly Uttar Pradesh.

7. Present petition is allowed in above terms.
8. Civil miscellaneous application pending if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

April 29, 2026

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Whether speaking/reasoned :Yes

Whether reportable : No