

2026.PHHC.014410



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

293

CRWP-12872-2025 (O&M)
Date of decision: 02.02.2026

Mukesh Kumar @ Mukesh Saini**...Petitioner**

Versus

State of U.T., Chandigarh and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ujwal Anand, Advocate
for the petitioner.

Mr. Narender Kumar Vashist, APP, U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Article 226 of the Constitution of India, the petitioner has made prayer for setting aside the order dated 25.09.2025 (Annexure P-1), passed by respondent No. 1-Inspector General of Prison, Chandigarh, whereby the application seeking grant of parole for 28 days had been rejected.

2. The petitioner has been convicted in case arising out of FIR No. 456 dated 30.12.2018, under Section 22 of the NDPS Act, 1985 at Police Station Sector 36, Chandigarh and is undergoing rigorous imprisonment for a period of 10 years, vide judgment of conviction dated 27.11.2024. He has filed an appeal against the aforesaid judgment of conviction before this Court, which is pending.

3. It is submitted by learned counsel for the petitioner that he has moved an application for grant of parole for 28 days to meet his family

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members. However, the same had been rejected on the basis of the report received from respondent No. 3-District Magistrate, Chandigarh, wherein it was reported that on release of parole, the petitioner was likely to commit a crime again and his release was dangerous to the security of the State and prejudicial of the maintenance of the public order. The said recommendation was totally misplaced and without any valid basis. Even no reasoning had been given by respondent No. 3 to arrive at such conclusion. The impugned order, passed by respondent No. 1, solely based on the said recommendation. It is further submitted that parole is an important relief for a convict as it enables him to maintain social and family ties by meeting his family members. Such temporary release helps in emotional support, rehabilitation and smoother reintegration into society, which has been denied to the petitioner without there being any reason. It is, thus, urged that the petition deserves to be allowed, the impugned order is liable to be set aside and the petitioner deserves to be granted parole for a period of 28 days.

4. Short reply has been filed on behalf of the respondent-U.T., Chandigarh. In terms of the same, learned Additional Public Prosecutor, Chandigarh has argued that there is no infirmity or illegality in the impugned order. The petitioner stands convicted for a serious offence under the NDPS Act and is undergoing a sentence of 10 years' rigorous imprisonment. The application for parole was duly considered by the competent authority on the basis of the report submitted by the District Magistrate, Chandigarh, who assessed the likelihood of his re-offending and did not recommended for granting parole to the petitioner. The impugned order has been passed in accordance with law and applicable rules, after due application of mind, and

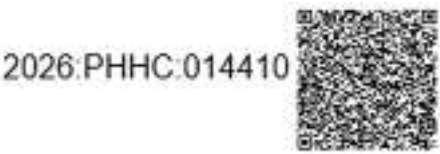
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does not call for any interference by this Court. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. Section 3(2) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 provides for temporary release of any prisoner on being satisfied of the circumstances as mentioned therein and for the period as mentioned in Section 3 sub-section (2) of the Act, 1962. A perusal of the record reveals that the rejection of the application of the petitioner seeking grant of parole is based solely on a general and vague apprehension that the petitioner may commit a crime again and his release on parole was dangerous to the security of the State and prejudicial of the maintenance of the public order, without any concrete material, specific instance, or cogent reasoning to support such an inference. Mere assumptions or bald assertions cannot form a valid basis for denying the statutory benefit of parole. It is not the case of the respondents that the petitioner does not fulfil the essential conditions prescribed under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, nor has any adverse conduct during incarceration been attributed to him. Parole serves an important rehabilitative purpose, as it enables a convict to maintain family and social ties, which is essential for his reformation and eventual reintegration into society. Denial of such benefit must, therefore, be founded on sound reasons and relevant material, which are conspicuously absent in the present case. In view of the above, this Court is of the considered opinion that the impugned order dated 25.09.2025 is liable to be set aside. Accordingly, the petition is allowed and the impugned order is set aside. The respondents are directed to release the petitioner on temporary parole of a



period of 28 days from the date of his release from jail, subject to his furnishing sufficient bonds in terms of statutory provisions to the satisfaction of the competent authority, who would also impose requisite conditions to ensure that the temporary release is not misused. The petitioner shall also undertake to maintain peace and good behavior during this period. He shall surrender back to jail after expiry of the period of his temporary parole.

02.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>