



**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-13545-2025 (O&M)
Date of Decision:- 24.02.2026

Rakesh Kumar @ Jimmy

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present:- Mr. Kanwaljeet Singh, Advocate, for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner assails order dated 29.09.2025 passed by respondent No.2- Deputy Commissioner-cum-District Magistrate, Amritsar (Annexure P-2) vide which his prayer for grant of parole for 8 weeks had been declined.
2. The petitioner stands convicted vide judgment dated 13.02.2025 passed by learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur (Annexure P-1) in a case arising out of FIR No.98 dated 26.9.2022, Police Station Fatehgarh Churrian, District Gurdaspur, under Sections 363, 366 IPC (Section 376 IPC and Section 4 of POCSO Act added later on), wherein he had been sentenced to undergo rigorous imprisonment for 20 years and has also been imposed fine.



3. As per the custody certificate filed today by learned State counsel, the petitioner as on date has already undergone actual sentence of 3 years, 2 months and 29 days. The petitioner is also stated to be convicted in one more case arising out of FIR No. 106 dated 17.10.2022, Police Station Fatehgarh Churrian, under Sections 363, 366, 376 IPC and Section 4 of POCSO Act, wherein also he has been sentenced to undergo rigorous imprisonment for 20 years.
4. The petitioner had applied for grant of parole for 8 weeks pursuant to which a report was called for from the Superintendent of Police, Amritsar (Rural), who accordingly submitted his report dated 16.9.2025 (Annexure P-3) to the District Magistrate, Amritsar, which reads as under:

“A inquiry was got conducted through the Deputy Superintendent of Police Division Ajnala regarding the above subject and reference letter. As per the report, the prisoner is serving the sentence of 10 years along with fine of Rs. 1,40,000 in Central Jail Gurdaspur in FIR no. 98 dated 26.09.2022 under offences 363, 366, 376/IPC, 4 Pocso Act, Police Station Fatehgarh Churian. The report regarding the release of 08 weeks parole of prisoner Rakesh Kumar alias Jimmy son of Gurdish Kumar resident of Ramdas, Police Station Ramdas is attached as per the proforma and sent to your serve.”

5. The reports (Annexure P-4) which were annexed with letter (Annexure P-3) have also been annexed with the petition, which reads as under:

“Rakesh Kumar son of Gurdish Kumar resident of ward no. Ramdas, who was sentenced for a sentence of 20 years imprisonment in FIR no. 98 dated 26.09.2022 under offences 363, 366, 376/IPC, 4 Pocso Act, Police Station Fatehgarh Churian, District Gurdaspur. That at present he is serving his sentence in Central Jail, Gurdaspur, who has applied for 8 weeks parole leave and whose parole leave is not recommended.



Sd/- SHO
Police Station Ramdas
Date

Special Comments of Concerned Area Supervising Officer

As per report of SHO Police Station Ramdas, Rakesh Kumar son of Gurdish Kumar resident of Ramdas, who was sentenced for a sentence of 20 years imprisonment in FIR no. 98 dated 26.09.2022 under offences 363, 366, 376/IPC, 4 Pocco Act, Police Station Fatehgarh Churian, District Gurdaspur who is at present is serving his sentence in Gurdaspur Jail. His parole for 8 weeks leave is not recommended.

Sign. Sd/-
Deputy Superintendent of Police,
Sub-Division Ajnala

Special Comments of Senior Superintendent of Police, Amritsar Rural

Not recommended as per report of DSP/Ajnala

Sign Sd/-
Sr. Supdt. Of Police
Amritsar (Rural)”

6. It was pursuant to the aforesaid reports that respondent No.2-Deputy Commissioner-cum-District Magistrate, Amritsar declined the application seeking parole vide impugned order (Annexure P-2). The relevant extract from the said order is reproduced herein under:

“..... The prisoner has applied for parole leave to meet his wife and children and do household work. He is a criminal type person from previous situation. There is a threat to state security and maintenance of public order upon parole release of the prisoner. Therefore parole leave for this prisoner is not recommended.....”

7. It is submitted by learned counsel for the petitioner that the reports submitted by the police authorities regarding there being apprehension of threat to State security and maintenance of public order in case the petitioner



is granted parole is a vague report and that there is no material on record to support the same. It has been submitted that in fact, even the conviction in the instant case is an outcome of false implication inasmuch as the complainant was bent upon getting the applicant thrown behind bars and had got lodged two identical FIRs within a span of about 20 days by levelling identical allegations that her daughter, student of Class 9th who went missing from school had been abducted and raped by some unknown person.

8. Learned counsel submitted that even if the allegations, as levelled are taken to be correct, still the reports of police, in absence of any material to show that release of the petitioner would endanger State security and maintenance of public order, would not be justified and that in case the mere factum of conviction for any offence is to be made a basis, then the provisions of grant of parole would be rendered redundant, as it is only a convict who seeks parole.
9. Opposing the petition the learned state counsel submitted that the petitioner apparently is a habitual offender having been convicted in an identical case arising out of another FIR although lodged at the instance of the same complainant and as such he would pose a threat to the society.
10. We have considered arrival submissions.
11. While, it is correct that the petitioner stands convicted in the present case and in another identical case lodged at the instance of same very complainant wherein also identical allegations have been levelled, but in any case, we find that the opinion/reports of the police to the effect that release of the petitioner would endanger the state security and maintenance of public order have been recorded without any basis. There is no reference to



any other material which led the police to form such an opinion. As such, the impugned order (Annexure P-2) cannot sustain and is hereby set aside.

12. The authorities concerned are directed to consider the case of the petitioner afresh for grant of parole de hors the factum of his conviction in the present case or another identical case, in accordance with law and in case the authorities concerned are still of the opinion that release of the petitioner would endanger state security and maintenance of public order, then reasons leading to recording of such opinion be delineated specifically in such order/report/opinion. The matter be considered expeditiously and final order be passed at the earliest, preferably within a period of three weeks from today.

(GURVINDER SINGH GILL)
JUDGE

(RAMESH KUMARI)
JUDGE

24.02.2026
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Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No