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

**CRWP-8411-2025
Date of decision :25.08.2025**

HARJIT SINGH**... PETITIONER****VERSUS****STATE OF PUNJAB AND OTHERS****...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Shekhar Verma, Addl. A.G., Punjab.

PARMOD GOYAL, J.

Aggrieved by rejection order dated 06.05.2025 passed by District Magistrate, Amritsar whereby request for grant of 8 weeks parole sought by petitioner was dismissed, petitioner has approached this Court by way of Criminal Writ Petition filed under Articles 226/227 of the Constitution of India read with Section 3 (1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (hereinafter referred as '1962 Act').

2. Petitioner was convicted and sentenced to undergo rigorous imprisonment of 12 years and to pay fine of Rs. 1,00,000/- in trial arising from FIR No. 196 dated 14.12.2019 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Gharinda, District Amritsar. Petitioner is undergoing sentence, is presently lodged in Amritsar jail



and has undergone actual sentence of 5 years, 7 months and 27 days as on 16.08.2025. His criminal appeal bearing no. CRA-D-444-DB of 2024 against the order of conviction and sentence is pending before this Court and was admitted on 21.03.2024.

3. Petitioner had applied for 8 weeks parole, which was duly initiated by Superintendent, Central Jail at Amritsar and forwarded to the District Magistrate, Amritsar i.e. respondent No. 3. Senior Superintendent of Police, Amritsar had not recommended the release of petitioner on 8 weeks parole. The District Magistrate, Amritsar rejected the parole case of petitioner vide impugned order dated 06.05.2025 on the ground that **“there is a threat to the State security and maintenance of public order”** in the event of release of petitioner on parole.

4. Petitioner is challenging impugned order dated 06.05.2025 on the grounds that same is non speaking order and not based on valid justification for rejecting the case of the petitioner. That the conclusion that “there is a threat to the State security and maintenance of public order” without reasons is bad in law. It is argued that the crucial aspect in favour of the petitioner had not been taken in consideration. That petitioner has no previous criminal record. His conduct during incarceration has been reported to be good and there is no allegation of misconduct while in jail. It is asserted that petitioner is not involved in any activities, which may cause disturbance to the public peace / order or security. That petitioner is continuously in custody since 14.12.2019 and has remained in custody during trial and subsequent to his conviction. That petitioner is suffering from polio and has a locomotive disability and is unable to work properly. That petitioner was falsely involved in FIR No. 202 dated 14.12.2020 under Section 411/41 IPC, Section 25 of Arms Act and Sections 21 and 23 of NDPS Act and



Sections 10, 11 and 12 of Aircraft Act. Petitioner in said case is on bail and on the date of registration of said FIR, he was in custody since 14.12.2019. He was neither named in the said FIR nor anything was got recovered from him or at his instance. He was implicated only on the basis of disclosure statement and no challan, despite passing more than 5 years, has been filed in said case.

5. On notice, respondents have opposed plea of petitioner for 8 weeks parole and have justified impugned order dated 06.05.2025 on the ground that petitioner has been found to be a threat to the State security and maintenance of public order and, therefore, he is not entitled to parole.

6. We have heard learned counsel for the parties and perused the material record.

7. Facts noted above are not in dispute in the present case. The case of petitioner for release of parole has been declined on the ground that he is a threat to security & public order. However, respondents have failed to justify conclusion drawn by District Magistrate as to on what basis petitioner can be considered threat to security and public order.

8. In '***Narinder Singh @ Nindi Vs. State of Punjab & Ors., 2020 (2) DC (Narcotics) 253***, provisions of 1962 Act were held to be beneficial in nature and were held to be aimed at reformation and rehabilitation of the prisoners. Parole is granted not only in an emergent situation but also for purpose of socializing with family members. It is necessary for a convict to maintain a contact with society which will facilitate his reformation and absorption in society after his release.

9. Manner in which authorities are required to record *satisfaction of danger to the security of the State or the maintenance of public order* is not res



integra. In '**Jassa Singh @ Jassa Vs. State of Punjab' 2016 (5) RCR (Criminal) 522** a Division Bench of this Court had observed as under:-

“.....For reaching satisfaction of danger to the security of the State or the maintenance of public order there has to be material before the District Magistrate, for consideration as to whether the release of a prisoner would be a threat to either or both of them. Parole cannot be denied and in fact is not liable to be denied on mere generalization by recording that generally it has been seen that prisoners on release generally engage themselves in smuggling activities causing danger to security of the country and contraband are again recovered from them. This can be ensured by asking the petitioner/prisoner to execute necessary bonds that while on parole he would maintain good behavior and will not indulge in any smuggling activities, besides, asking him to furnish heavy surety.”

10. Similarly in "**Bansi Lal Versus State of Punjab and others**", 2016 (4) RCR (Criminal) 1017, this Court had also observed as under: -

“15. The term 'Security of the State' out of the expressions of 'law and order', and 'public order' is considered more grave. It may arise from within or outside the State. It is generally understood as an act of aggression from outside, or militant and terrorists operations engineered by foreign agencies. It can also be effected by passing of classified information like documents, secrets, maps etc. to foreign countries or through undesirable foreign links. An act which poses a threat to the State is to be considered as a threat affecting the security of the State. 'Public order', however, is synonymous with public safety. It is something more than mere law and order. Every breach of peace does not lead to public disorder. Maintenance of public order is intended to prevent grave public disorder, which is not the same as maintenance of law and order. The latter is comparatively of a lesser gravity and in fact of local significance. An act which does not affect the public at large or has no impact on it, is not to be taken



as an act affecting maintenance of public order. The distinction between law and order and public order is one of degree and extent of reach of the act in question on society. In the case of breach of law and order it affects individuals directly involved as distinct from the public at large. This would raise a law and order problem only. The true test is the potentiality of the act in question. One act may affect some individuals and local persons while another though of a similar nature may impact the public at large. An act which disturbs the even tempo of life of the public at large affects the maintenance of public order. These aspects are to be considered by the concerned District Magistrates and competent authorities under Act while deciding to recommend or not to recommend the temporary release of a prisoner on parole and/or passing orders for temporary release by the competent authorities under the Act. The exercise is not to be lightly conducted and the concerned District Magistrate and/or the competent authorities are to apply their mind on the basis of inputs received by them for recommending or passing an order as the case may be for temporary release of prisoners on parole.”

11. On consideration of present case, we find that no such satisfaction has been recorded by District Magistrate as to justify conclusion noted in impugned order dated 06.05.2025. There is no material to indicate that if the petitioner is released, he will threat to security or/and there will be a breach of public peace / order or petitioner may violate parole Rules or may abscond or may commence/commit cognizable offence. The apprehension expressed by authorities vide impugned order dated 06.05.2025 is without any basis and result of surmises and conjectures. The grounds for rejection of parole are not well founded.

12. Accordingly, petition is allowed.

13. Impugned order dated 06.05.2025 (Annexure P-1) is set-aside.



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Petitioner shall be released on parole for a period of 8 weeks subject to furnishing necessary surety bonds to the satisfaction of the competent authority and on compliance of all other necessary formality in this regard. On expiry of 8 weeks, he shall surrender before concerned jail authority.

(DEEPAK SIBAL)
JUDGE

25.08.2025
manoj

(PARMOD GOYAL)
JUDGE

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