



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

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CRWP-8233-2025

Date of decision :16.10.2025

BIKRAMJIT SINGH ALIAS SONI**... PETITIONER****VERSUS****STATE OF PUNJAB AND OTHERS****...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. B.S. Jatana, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

PARMOD GOYAL, J.

Aggrieved by rejection order dated 15.07.2025 (Annexure P-1) passed by Deputy Commissioner, Mansa 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 Sections 3 and 4 of the Punjab Good Conduct of Prisoners (Temporary Release) Act, 1962 (hereinafter referred as '1962 Act').

2. Petitioner was convicted under Section 302 IPC and was sentenced to undergo rigorous imprisonment for life and to pay fine amounting to Rs.20,000/- in default of payment of fine, rigorous imprisonment for one year was further ordered on failure to pay fine, in trial arising from FIR No. 23 dated 07.04.2019 under Section 302, 34 IPC, registered at Police Station Joga, District Mansa. Petitioner is undergoing sentence and is presently lodged in District jail,



Mansa. His criminal appeal bearing no. CRA-D-459 of 2025 against the order of conviction and sentence was duly admitted by this Court.

3. Petitioner had applied for 8 weeks parole for taking care of his family. The parole was initiated by Superintendent District Jail, Mansa. It is a case of petitioner that Gram Panchayat village Aklia, District Mansa had duly recommended his release on parole and has duly reported that prevailing circumstances in the house of the petitioner are in worse condition and nobody is available to take care of his family. However, on the report of Senior Superintendent of Police, Mansa, the Deputy Commissioner, Mansa has rejected the parole case of the petitioner vide impugned order dated 15.07.2025 on the ground that there is a likelihood of **“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 15.07.2025 on the grounds that same is non speaking order and not based on valid justification for rejecting the case of the petitioner. It is asserted that Gram Panchayat has already recommended his case, therefore, 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 order of the Gram Panchayat in favour of the petitioner has not been taken into consideration. It is asserted that petitioner has no previous criminal record. He was on bail, during the trial and was not concerned in any other case. That his conduct during incarceration has been reported to be good and there is no allegation of mis-conduct while in jail. It is asserted that accused was never involved in any activities, which may cause disturbance to the public peace/order or security. It is asserted that petitioner was falsely involved in present FIR and his appeal is pending and, therefore, the impugned order declining parole



is liable to be set-aside.

5. Reliance has been placed upon following judgments:

- (i) *Ram Chander Vs. State of Punjab and others, 2017(3) RCR (Criminal) 340.*
- (ii) *Mohd. Iftkhar @ Kaka Vs. State of Punjab and others, 2019(2) Law Herald 1156.*
- (iii) *Dinesh Vs. State of Haryana and others, 2024(2) RCR (Criminal) 619.*
- (iv) *Jasbir Singh Vs. State of Punjab, 1999(2) RCR (Criminal) 390*
- (v) *Makhan Singh Vs. State of Punjab, 2000(2) RCR (Criminal) 254.*

6. On notice, respondents have opposed plea of petitioner for 8 weeks parole and have justified impugned order dated 15.07.2025 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.

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

8. 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 Deputy Commissioner, Mansa as to on what basis petitioner can be considered threat to security and public order.

9. 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.

10. 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.”

11. 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.”

12. On consideration of present case, we find that no such satisfaction has been recorded by Deputy Commissioner, Mansa as to justify conclusion noted in impugned order dated 15.07.2025. 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 15.07.2025 is without any basis and result of surmises and conjectures. The grounds for rejection of parole are not well founded.



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13. Accordingly, petition is allowed.

14. Impugned order dated 15.07.2025 (Annexure P-1) is set-aside.

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.

(ANOOP CHITKARA)
JUDGE

16.10.2025
manoj

(PARMOD GOYAL)
JUDGE

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