

Karanpreet Singh Alias Giani Alias ... vs State Of Punjab And Other on 1 March, 2025

Neutral Citation No:=2025:PHHC:030364

CRWP-344-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRWP-344-2025
Decided on: 01.03.2025

Karanpreet Singh alias Giana alias FatehPetitioner

Versus

State Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sanjeev Sharma, Advocate for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 226/227 of the Constitution of India seeking issuance of directions to the respondents to release the petitioner on eight weeks parole to meet his family members under Section 3(1) (d) of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962.

2. Learned counsel for the petitioner submits that petitioner prayed for release on parole for a period of eight weeks, but same has been declined by noticing the report of Commissioner of Police, Jalandhar, wherein it is mentioned that the petitioner has already been convicted in several cases, while others are still under trial. Also recorded that in most of the cases, offences are under Arms Act, NDPS Act, and there are various assault charges also. Lastly, it has been concluded that in case, petitioner is released on parole, he may abscond to foreign country.

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3. Learned counsel for the petitioner further submits that undoubtedly petitioner is an accused/convict in several cases, but most of the cases are still pending in which he has been falsely involved. He further submits that in five of the cases petitioner has already been acquitted and in all other cases, which are pending, almost in all such cases, he has been ordered to be released on bail.

By referring to the details of the criminal cases mentioned against the petitioner in reply filed by the respondents, Counsel handed over a chart alongwith the status of the cases and same is taken on record, thus, prays for release of the petitioner on temporary parole and quashing of the order dated 27.11.2024 passed by Deputy Commissioner, Jalandhar, Punjab for releasing the petitioner on parole for a period of eight weeks.

4. On the other hand, learned State counsel submits that the details of the pending cases clearly show that he is not an ordinary convict, being involved in about 22/23 cases. Further submits that undisputedly in five cases, he has been acquitted, but there are other cases also, where the trial is pending and in one of the case, he has been convicted and sentenced for a period of seven years. Thus, by defending the impugned order, opposes the prayer for release on parole.

5. I have considered the submissions and the details of all the cases alongwith their status, reproduced herein in tabulated form:

COMPARATIVE CHART Sr. Details of FIRs Status No. 1 FIR No.15/2021 u/s 307, 323, 324, 120B, Convicted for 7 148, 149, 325, 326, 201 IPC, P.S. Basti years Bawa Khel 2 of 9 Neutral Citation No:=2025:PHHC:030364 CRWP-344-2025 UNDER-TRIAL CASES 2 (a) FIR No.16/2022 dated 07.02.2022 u/s PWs On bail vide 307/341/34 IPC & Section 25/54/59 Arms order dated Act, P.S. Division-1, Jalandhar 05.03.2023 2 (b) FIR No.29/2022 dated 07.02.2022 under PWs on bail vide Sections 384/212/216/116/120-B IPC & order dated Section 25/54/59 Arms Act, P.S. Division- 17.03.2023 8, Jalandhar 2 (c) FIR No.68/2022 dated 16.06.2022 under PWs On bail vide Section 29, 61, 85 of NDPS Act, P.S. Navi order dated Baradari. 02.03.2023 2 (d) FIR No.37/2021 dated 30.03.2021 under PWs on bail vide Section 153A/386/504 IPC, P.S. Division- order 2, Jalandhar. dated 26.04.2023 2 (e) FIR No.124/2020 dated 22.09.2020 under PWs on bail vide Sections 323/324/160/148/149 IPC & order dated Section 67 IT Act, P.S. Division-2, 02.03.2023 Jalandhar.

2 (f) FIR No.174/2016 dated 10.09.2016 under PWs on bail vide Section 61 Excise Act, P.S. Bhargo Camp, order Jalandhar dated 02.06.2022 2 (g) FIR No.42/2016 dated 01.03.2016 under PWs On bail vide Section 382/34 IPC, P.S. Navi Baradari, order dated Jalandhar 07.06.2017 2(h) FIR No.233/2022 dated 26.09.2022 under PWs on bail vide Section 28/29/30 of NDPS Act & Section order dated 42/52A Prison Act, P.S. STF-4. 04.03.2023 CONVICTION CASES 3(a) FIR No.103 dt. 18.06.2017, u/s 452, 323, Already undergone 341, 506, 509, 148, 149 IPC, registered at vide order dated P.S. Bhargo Camp, Jalandhar 02.06.2022 3(b) FIR No.198 dated 25.10.2016, u/s 22 of Conviction order NDPS Act, registered at P.S. Bhargo dt.14.05.2018 for 2 Camp, Jalandhar years by the ld.

Trial	Court.
However,	the
petitioner	has
preferred an appeal	

bearing No.CRA-S-
3259-SB of 2018 in
which sentence of
the petitioner is
suspended vide
order dated
06.10.2018.

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Neutral Citation No:=2025:PHHC:030364 CRWP-344-2025 ACQUITTAL CASES

4(a) FIR No.137 dated 08.08.2017, under Acquitted on Sections 364, 307, 323, 324,342, 506, 148, 28.01.2019 149 IPC, registered at P.S. Basti Bawa Khel, Jalandhar.

4 (b) FIR No.97 dated 15.06.2017, under Acquitted on Section 323, 341, 506, 148, 149 IPC, 02.06.2022 registered at P.S. Bhargo Camp, Jalandhar.

4(c) FIR No.127 of 2020, under Section Acquitted on 61/1/14 of Excise Act, Section 21, 22 of 26.10.2024 NDPS Act, Section 379B, 382, 482, 465, 467, 468, 471, 120B, 216 IPC and Section 25 of Arms Act, registered at P.S. Bhargo Camp, Jalandhar.

4 (d) FIR No.202 dated 24.11.2019, under Acquitted on Section 302, 201, 148, 149 IPC and 16.02.2023 Section 3 (2-V) of SC & ST Act, registered at P.S. Division No.5, Jalandhar.

4 (e) FIR No.182 of 2018, u/s 52A of the Acquitted on Prisoners Act, registered at P.S. Kotwali, 13.10.2023 Kapurthala PRODUCTION WARRANT CASES 5 (a) DDR No.16/2017 dt. 29.05.2017 Act Bail out on Section 110 Cr. P.C. Police Station Bhargo 08.06.2017 Camp 5 (b) FIR No.68/2019 dated 13.07.2019, under PW on bail vide Section 61/1/14 Excise Act, P.S. Lambra order dt.02.03.2023 5 (c) FIR No.99 of 2019, under Section 307, PW on bail vide 160, 427, 148, 149 IPC, registered at P.S. order dt.11.02.2020 Division No.1, Jalandhar 5 (d) FIR No.177 of 2019, under Section 279, PW on bail vide 420, 419, 411 IPC and Section 61/1/14 of order dt.13.12.2019 Excise Act, registered at P.S. Division No.8, Jalandhar 5(e) FIR No.94 of 2020, under Section 160, PW on bail vide 427, 452, 506, 148, 149 IPC, registered at order dt.13.08.2020 P.S. Division No.1, Jalandhar 5(f) FIR no.180 dt.14.11.2019 u/s 307, 379B, PW on bail vide 160, 148, 149, 326, 323, 324 IPC and order dt.22.05.2020 Section 13-3-67 of Gambling Act, registered at P.S. Division No.6, Jalandhar 5(g) FIR No.30 of 2018, u/s 21, 22, 29 of NDPS Bail out on Act, registered at P.S. Patara, Jalandhar 05.10.2018 4 of 9 Neutral Citation No:=2025:PHHC:030364 CRWP-344-2025

6. The Division Bench of this Court on several occasions dealt with the provisions of Section 3 of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962. In 'Kulwinder Singh alias Taina Vs. State of Punjab and others' 2024 NCPHC 62430; Law Finder Doc Id #2592372, 'Sukhjinder Singh Sukhi Vs. State of Punjab and others' (CRWP-10281-2024; Date of Decision: 23.10.2024), and 'Ajaib Khan Vs. State of Punjab and other,' 2019 SCC Online P&H 3133, held that temporary parole cannot

be rejected merely on the ground that the petitioner is a convict or is involved in many criminal cases or on a whimsical ground that he may disturb the peace of the society, though without any basis.

In Kulwinder Singh's case (supra), Division Bench held that by releasing on parole, every prisoner develops a sense and hope of life with a view to rehabilitate himself in the society and same is the paramount object of granting and releasing of the convict on parole. Moreover, maintaining continuity together with his family, friends and community would also help the convict to come out of mental agony and distress on account of continuing imprisonment within four walls of the jail.

Relevant observations made in paragraph No.9 and 10 of the said judgment are reproduced herebelow:

9. It is settled position that normally temporary release on parole or furlough, as may be, is to be granted but can be declined, in case releasing authority is of the view that such 5 of 9 Neutral Citation No:=2025:PHHC:030364 CRWP-344-2025 release would be dangerous to security of the State or maintenance of public order. Section 6(2) of the Act provides for the same. Section 6 of the Act reads as under :-

"6. Cases where consultation with District Magistrate not necessary or where prisoners are not to be released.-

Notwithstanding anything contained in sections 3 and 4

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(1) it shall not necessary to consult the District Magistrate where the State Government is satisfied that the prisoner maintained good conduct during the period of his earlier release under any of the aforesaid sections; and (2) no prisoner shall be entitled to be released under this Act, if on the report of the District Magistrate, where consultation with him is necessary, the State Government or an officer authorised by it in this behalf is satisfied that his release is likely to endanger the security of the State or maintenance of public order."

10. Objectives of parole are twofold i.e. rehabilitation of offender and protection of society. The main purpose of parole is that prisoner can maintain continuity together with his family, friends and community and at the same time to save prisoner from harmful effects of continuous prisoner life. Parole enables a prisoner to develop a feeling of self confidence that there is a life beyond prison. It helps prisoner to develop a sense of hope and active interest in his life with a view to rehabilitate the prisoner. Competent authority can always impose sufficient and necessary conditions while granting parole. Gainful 6 of 9 Neutral Citation No:=2025:PHHC:030364 CRWP-344-2025 reference at this stage can be made to the judgment of Coordinate Bench in "Bansi Lal versus State of Punjab & Others", 2016(4) R.C.R. (Criminal) 1017, where it was observed as under :-

"11. During incarceration of a prisoner in jail after his conviction he is entitled for temporary release on parole which though is a concession and not a right.

However, in order to reform a prisoner a periodic temporary release on parole for short duration is necessary. This is a welfare measure in the interest of a prisoner

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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

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In Ajaib Khan's case (supra) need of parole was realised by this Court in a case of a convict who was marked and identified as 'B' category Gangster despite being involved in several cases.

7. In view of the above, this Court deems it appropriate to quash the order dated 27.11.2024 passed by Deputy Commissioner, Jalandhar, Punjab and direct that the petitioner be released on parole for a period of six weeks from the date of his release to the satisfaction of learned District Magistrate concerned or any other authority concerned as per Rules. It is further directed that while releasing the petitioner on parole the conditions would be imposed as required in the jail manual towards the ends of securing the presence of the petitioner in jail after the completion of the parole period and also for the reason that the concession of temporary release may not be misused by the convict.

Accordingly, petition is allowed.

(SANJAY VASHISTH) JUDGE March 01, 2025 rashmi Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO 9 of 9