



Sr. No.101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1231-2025 (O&M)

Gurpreet Singh @ Gopi ...Petitioner

Versus

State of Punjab and others ...Respondents

1.	The date when the judgment is reserved	20.11.2025
2.	The date when the judgment is pronounced	01.12.2025
3.	The date when the judgment is uploaded on the website	01.12.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM : HON’BLE MR. JUSTICE DEEPAK SIBAL
HON’BLE MS. JUSTICE LAPITA BANERJI

Present : Ms. Manveen Kahlon, Advocate,
for the petitioner.

Mr. Himanshu Raj, Additional A.G., Punjab.

LAPITA BANERJI, J.

In this writ petition filed under Article 226 of the Constitution of India, the petitioner has challenged order dated December 26, 2024 (Annexure P-4), whereby application of the petitioner for release on parole, has been dismissed by the Superintendent of Police, Sub Division, Tarn Taran.

2. The petitioner has been convicted under Section 21 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short



‘NDPS’) in FIR No.123 dated 15.09.2017 under Sections 22/27-A/20 of NDPS Act, registered at Police Station Moti Nagar, District Ludhiana. The petitioner is sentenced to undergo rigorous imprisonment for a period of 12 years along with fine.

3. Learned counsel for the petitioner submits that the application for parole was sent to the District Magistrate, Tarn Taran vide office letter No.12552 dated September 13, 2023, by the Superintendent, Central Jail, Sri Goindwal Sahib. The same was further forwarded by the District Magistrate, Tarn Taran to the Senior Superintendent of Police, Tarn Taran vide letter dated 29.09.2023, for a verification report.

4. On the basis of the report of the SHO, Police Station Jhabal, Tarn Taran dated December 26, 2024 which was forwarded by the Senior Superintendent of Police, Tarn Taran to the Deputy Commissioner, (DC) Tarn Taran on January 07, 2025, the petitioner’s case for grant of parole was rejected vide letter dated January 20, 2025.

5. Learned counsel for the petitioner submits that the petitioner is in urgent need of parole for repairing his house which is in a dilapidated condition.

6. The primary reason for rejection of the prayer for parole of the petitioner was that his conduct was dangerous and that he could commit a crime during his release on parole. Furthermore, the DC opined that with the petitioner’s release on parole there could be a risk of disruption in State’s security and maintenance of public order or the petitioner may indulge in the business of selling drugs or could abscond and therefore the prayer for grant of parole was rejected. The SHO had



taken a stand in the report dated December 26, 2024 sent by the SHO to the Superintendent of Police that the petitioner was lodged in jail in case FIR No.147 dated November 12, 2018 and had a previous NDPS case pending against him in FIR No.123 dated September 15, 2017 and his parole case should be declined as he may indulge in similar activity if released on parole. It is submitted on behalf of the petitioner that all the aforesaid grounds are misconceived.

7. Notice of motion was issued on February 7, 2025. Pursuant to the issuance of notice of motion, a reply by way of an affidavit of Kulwinder Singh, Superintendent, Central Jail, Sri Goindwal Sahib was filed on March 20, 2025.

8. Learned counsel for the State submits that the application for grant of parole was rightly rejected due to the recovery of a heavy quantity of heroin from the petitioner as the apprehension was well-founded that if the petitioner is released on bail, he may indulge in the illegal activity of selling drugs thereby damaging the future of the children in the society.

9. This Court has heard the learned counsel for the parties and perused the material on record.

10. When the present petition came up for hearing on 11.11.2025 this Court noted that FIR No.147 dated 12.11.2018 registered against the petitioner under Sections 22/61/85 of the NDPS Act at Police Station Jhabal, District Tarn Taran was not reflected in the custody certificate of the petitioner. Therefore, the State counsel was directed to



produce a copy of FIR No.147 dated 12.11.2018 on the adjourned date of hearing.

11. When the matter came up for hearing on 20.11.2025, a second status report dated 19.11.2025 was filed by Manjit Singh Tiwana, Superintendent, Central Jail, Sri Goindwal Sahib. A perusal of the second status report would reveal that only one FIR vide No.123 dated 15.09.2017 was registered against the petitioner. The second FIR No.147 dated 12.11.2018 which was alleged to have been registered against the present petitioner and the primary reason of declining parole to the present petitioner was in fact registered against another prisoner by the same name of Gurpreet Singh @ Gopi ID No.231639. The serious error on the basis of which parole was rejected to the petitioner has been admitted by the Station House Officer, Police Station Jhabal vide communication dated November 17, 2025 which is a part of the second status report. The factum of mistaken identity was also admitted by the Superintendent, Central Jail.

12. Upon perusal of the second status report, it appears that a serious error has been committed primarily due to the negligence of the Station House Officer, Police Station Jhabal, as the identities of two prisoners have been mistaken.

13. The petitioner has prayed for parole in FIR No.123 dated 15.09.2017 whereas in column No.3 relating to previous record in the order of rejection, FIR No.123 is mentioned. However, in column No.10 recording the details of the case in which the petitioner sought parole, FIR No.147 dated 12.11.2018 has erroneously been mentioned.



14. On the basis of the fact that the petitioner had allegedly indulged in two cases under the NDPS Act within approximately a period of one year, the authorities declined the grant of parole to the petitioner on the apprehension that he may indulge in similar activity if released.

15. The callous attitude and negligent conduct of the SHO in forwarding the report was unfortunately accepted by the SSP by putting a rubber stamp, without any application of mind that is expected from a senior officer of the rank of Superintendent of Police. The impugned order of rejection suffers from perversity and error of facts on the face of the record.

16. The Superintendent of Police put his rubber stamp on the report dated December 26, 2024 recommending rejection of petitioner's prayer without any independent application of mind.

17. The petitioner is a first-time offender. The petitioner has committed no jail offence during the period of incarceration or during the period while he was on bail from February 14, 2019 till May 01, 2023. The petitioner did not misuse the concession of bail. Therefore, to the mind of this Court, the apprehension that the petitioner may abscond or indulge again in peddling of drugs is unfounded and without any reasonable basis.

18. This Court cannot lose sight of the fact that it is necessary for a convict to maintain his contact with the society which would facilitate his reformation and transform him into a responsible citizen at the time of his release, after completion of his sentence. Therefore, the



impugned order dated December 26, 2024 (Annexure P-4), rejecting the case of the petitioner for release on parole is unsustainable and deserves to be set aside.

19. In the light of the above, the impugned order is set aside and it is directed that the petitioner shall be released on parole for a period of six weeks subject to the furnishing of a necessary surety bond to the satisfaction of the competent authority and on expiry of 6 weeks he shall surrender to the jail concerned.

20. The petition is allowed in the above terms with costs which are quantified at Rs.10,000/- to be borne equally by the SHO, Police Station Jhabal and the SSP, Tarn Taran who passed the impugned order dated December 26, 2024 rejecting the petitioner's parole. The costs has to be deposited with the Poor Patient Welfare Fund, PGIMER, Chandigarh.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

December 01, 2025
vandana

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No