



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

CWP-1728-2026

Date of Decision:- 23.01.2026

Amritpal Singh

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. R.S. Bains, Senior Advocate (Arguing Counsel)
with Mr. Imaan Singh Khara, Advocate,
Mr. Anmoldeep Singh, Advocate,
Mr. S.S. Cheema, Advocate,
Mr. Harjot Singh Maan, Advocate,
and Mr. Sumeet Singh, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Addl. Solicitor General of India,
(Arguing Counsel),
Mr. Dheeraj Jain, Senior Advocate,
with Mr. Prajwal Chauhan, Central Government Counsel,
for respondent No.1 and 2.

Mr. Anupam Gupta, Senior Advocate,
Mr. Chanchal K. Singla, Senior Advocate/Addl. A.G., Punjab,
Mr. Salil Sabhlok, Senior DAG, Punjab,
with Mr. Vikram Anand, Advocate,
Mr. Gautam Pathania, Advocate,
Mr. Swayam Bansal, Advocate,
and Mr. Sukhpal Singh, Advocate,
for the State of Punjab.

* * * *

SHEEL NAGU, C.J. (Oral)

1. The petitioner, who is a Member of Parliament and is presently under a preventive detention order, the last being 17.04.2025, has approached this Court with the following prayers:-

“(i). Issue a writ in nature of mandamus for directing the

official respondent nos.1, 3 and 4 to allow the temporary release/Parole of the present petitioner in accordance with the provisions of Section 15 of the National Security Act, 1980, to allow him to attend the Budget Session of Parliament to be convened in two phases i.e. from 28th January, 2026 to 13th February, 2026 and from 9th March, 2026 to 2nd April, 2026, in the interest of justice, equity and fair play.

(ii) With a further prayer for issuance of a writ in nature of Mandamus directing the official respondents No.1, 3 and 4 to make appropriate arrangements for the personal attendance of the present petitioner at the Budget Session of Parliament from 28th January, 2026 to 13th February, 2026 and thereafter, from 9th March, 2026 to 2nd April, 2026, in the interest of justice, equity and fair play.

(iii) With a further prayer for issuance of a writ in nature of Mandamus directing the official respondents No.1, 3 and 4 to decide the representations dated 17.01.2026 (Annexure P-5) of the present petitioner in a time bound manner, in the interest of justice, equity and fair play.”

2. From the aforesaid, it is obvious that the petitioner, in his capacity as a sitting Member of Parliament from Khadoor Sahib Constituency, seeks to attend the Budget Session of Parliament commencing from 28th January, 2026.

3. It is not disputed at the Bar that the petitioner is presently incarcerated at Central Jail, Dibrugarh, Assam.

4. The petitioner has submitted various representations, including one to the Home Secretary, Department of Home Affairs and Justice on 17.01.2026, which remains unaddressed.

5. Mr. Satya Pal Jain, Additional Solicitor General of India states the competent authority to deal with such a request is the Competent Court. Thus, the Competent Court in view of this would be the State Government, under the order of which, the petitioner is under preventive detention.

6. The power to grant temporary release u/s 15 of the National Security Act, 1980 lies with the ‘appropriate Government’, as defined under

Section 2(1)(a) of the Act, which is reproduced below for ready reference and convenience.

“(a) “appropriate Government” means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government;”

7. Since the order of preventive detention was passed on 17.04.2025 by the District Magistrate, Amritsar, who is an Officer subordinate to a State Government, the State Government is the competent authority as per Section 2(1)(a) of the National Security Act, 1980 to deal with the kind of request made by the petitioner.

8. Accordingly, the present petition stands disposed of with a direction to the Home Secretary, Department of Home Affairs and Justice, Government of Punjab, to decide the application dated 17.01.2026 (Annexure P-5), already filed by the petitioner, within a period of seven (07) working days. The outcome of the representation, made by the petitioner, be also communicated forthwith to the petitioner as well as his counsel.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(ARCHANA PURI)
JUDGE**

23.01.2026

Ajay Prasher

| | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |