

2026:PHHC:081703



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

223

**CRWP-12178-2024 (O&M)
Date of decision: 25.05.2026**

Ahmad Sahib**...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Present petition has been filed under Articles 226/227 of the Constitution of India read with Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (*for short 'Act, 2022'*) seeking issuance of a writ in the nature of certiorari for quashing speaking order dated 05.12.2024 (Annexure P-1), passed by respondent No.2-Divisional Commissioner, Karnal, whereby the request of the petitioner for grant of regular parole for a period of ten weeks has been declined. A further prayer has been made for issuance of directions to the respondents to release the petitioner on regular parole for restoration of social ties and to attend family obligations.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the petitioner is undergoing sentence of imprisonment for life pursuant to conviction in FIR No.208 dated 13.06.2012 registered

under Sections 222, 223, 224, 395 and 397 IPC and Section 25 of the Arms Act at Police Station Hodel, District Palwal. His appeal against conviction was dismissed and presently he is confined in District Jail, Karnal. It is the case of the petitioner that an application seeking regular parole was submitted through jail authorities to enable him to attend family obligations and agricultural requirements at home. The Superintendent, District Jail, Karnal processed and forwarded the case with recommendation for grant of parole while recording that the petitioner fulfilled the prescribed conditions under the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022. However, on receipt of adverse inputs from the District authorities and local police expressing apprehension of breach of peace and possibility of absconding, respondent No.2 rejected the prayer vide speaking order dated 05.12.2024, which has led to filing of the present writ petition.

3. It is argued by learned counsel for the petitioner submits that the impugned order has been passed mechanically without proper consideration of the petitioner's conduct inside jail and without recording any tangible material to support the apprehension of breach of peace. It is argued that the petitioner has already undergone substantial incarceration, has maintained satisfactory conduct in jail and there is no allegation of misuse of concession of temporary release. It is further submitted that the object of parole is reformatory and rehabilitative in nature and is intended to enable a convict to maintain family and social ties. Learned counsel has further argued that mere apprehension expressed by the police cannot by itself constitute a valid ground for denial of parole in absence of concrete material showing threat to public order or security of the State. While submitting that the petitioner is seeking parole

only for a limited duration of ten weeks for attending family responsibilities and restoration of social ties, it is urged that the petition deserves to be allowed.

4. Replies have been filed by the respondent-State. Learned State counsel, while opposing the petition, has submitted that there is no infirmity or illegality in the impugned order. The petitioner is a habitual offender and is involved in several other cases. It is argued that there existed apprehension that release of the petitioner on parole may lead to breach of peace and that is why he was denied claimed benefit. It is, therefore, urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. A perusal of the impugned order shows that the request of the petitioner for grant of regular parole has primarily been declined on the basis of an apprehension expressed by the local police that, in case of release, there may be disturbance of peace and there existed possibility of the petitioner absconding. The order further refers to the petitioner being a habitual offender and records that no concrete reason was shown for release on parole. However, except for such general observations, no specific material, antecedent during incarceration, past misuse of temporary release or any concrete instance has been referred to in support of such apprehension. It is not disputed before this Court that the Superintendent, District Jail, Karnal had processed and forwarded the case with recommendation for grant of parole after recording satisfaction regarding eligibility under the Act, 2022. The State has also admitted in its reply dated 29.03.2025 that the petitioner has already undergone the sentence awarded in FIR No.10 of 2000 and,

presently, there is no other case in which he is not on bail. Consequently, the requirement contemplated under Clause 11(1) of the Act, 2022 stands satisfied.

7. Parole is not to be viewed as a matter of punishment being diluted but as a statutory concession intended to further the reformatory and rehabilitative object of criminal jurisprudence and to enable a prisoner to maintain social and family ties. Mere apprehension of breach of peace, unsupported by tangible material, cannot by itself become a ground to deny the benefit of temporary release. The competent authority is required to apply its mind to the conduct of the prisoner, surrounding circumstances and statutory requirements instead of proceeding solely on generalized police inputs. The record does not indicate that release of the petitioner would endanger security of the State or adversely affect maintenance of public order in the manner contemplated under the governing statute. The petitioner is seeking regular parole for a limited duration for restoration of social ties and attending family obligations. There is also no material placed before this Court to show that the petitioner had earlier misused any concession of temporary release or violated any condition imposed upon him. The impugned order, therefore, cannot be sustained as it reflects non-application of mind and proceeds on conjectural apprehensions rather than objective satisfaction.

8. Accordingly, the present petition is allowed and the impugned order dated 05.12.2024 (Annexure P-1) passed by respondent No.2–Divisional Commissioner, Karnal is set aside. The respondents are directed to release the petitioner on regular parole for a period of ten weeks, subject to his furnishing

requisite bonds/sureties and compliance with all conditions as may be imposed by the competent authority under the Act, 2022.

25.05.2026

Masoom R. Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No