

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

(218)

CRWP-3868-2026

DATE OF DECISION: 06.07.2026

Jagtar Singh Hawara

.....Petitioner

VERSUS

Union Territory, Chandigarh Administration and othersRespondents

**CORAM HON'BLE MR. JUSTICE VINOD S. BHARDWAJ
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present Mr.Maninder Singh, Senior Advocate,
with Ms, Aekta Vats, Advocate,
Mr. Jaskaran Sibia, Advocate, and
Mr. Gursharan Singh Dhaliwal, Advocate,
for the petitioner.

Mr. J.S.Toor, Senior Advocate, with
Mr. Adhiraj Toor, Advocate and
Mr. Jasbir Singh, Advocate,
for respondent no.1, U.T, Chandigarh.

Mr. S.G.K Murty, Senior Law Officer,
Delhi Prisons and
Mr. Saurabh Sharma, Deputy Superintendent,
Central Jail No.15, Mandoli in person.

Mr. Akashdeep Singh, Advocate,
SPP for respondent no.6 – CBI.

VINOD S. BHARDWAJ, J (ORAL)

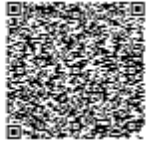
1. The present criminal writ petition, under Article 226 of the Constitution of India, read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short - 'the BNSS'), 2023, has been filed for directing the respondents to release the petitioner on parole for a period of four weeks to enable him to attend to his ailing 81 years old mother, whose's health is stated to be rapidly deteriorating on account of advanced age related physical & cognitive disorders.



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2. Learned senior counsel appearing for the petitioner contends that the petitioner is a convict in a case R.C. No. of CBI : 9/6/95 SIU.V/SIC.II/CBI/DS (originally registered as FIR No.96/1995 dated 31.08.1995, Police Station North, Chandigarh), under Sections 302, 307 and 306 read with Section 120-B IPC and under Sections 3,4 and 5 of the Explosive Substances Act, 1908, registered at Police Station North Chandigarh. The case was investigated by Central Bureau of Investigation. The petitioner herein, was sentenced to death and had been fined Rs.32,000/- vide judgment dated 31.07.2007, passed by the Court of Additional Sessions Judge, Chandigarh. In appeal against the judgment, a co-ordinate Bench of this Court, vide its order dated 12.10.2010 passed in appeal bearing No. CRA-D-731-DB-2007, commuted the sentence of the petitioner from death to imprisonment for life, against which the State as well as the petitioner herein have preferred respective SLPs before the Hon'ble Supreme Court of India. The same are pending and have not been finally decided.

3. Learned senior counsel for the petitioner vehemently contends that there have been multiple cases (total 36 cases) that had been registered against the petitioner but save and except the SLPs referred to above, no other case is currently pending against the petitioner. Out of the above 36 cases, the petitioner was convicted in a total of seven cases and he has already undergone the entire sentence in six cases and is undergoing his sentence in the present case. In the remaining 29 cases, petitioner herein, has either been acquitted or discharged or the petitions stand disposed of in favour of the petitioner. He contends that the petitioner has already undergone an actual custody of 29 years and has never been granted any



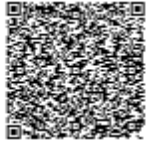
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concession of parole or remission during the entire period of his custodial detention. He further contends that no complaint of misconduct or any other prison offence has ever been reported against the petitioner during his custody.

4. He submits that the petitioner moved an application dated 11.06.2025 to the Superintendent of Jail, Central Jail No.15, Mandoli, New Delhi for grant of parole. As no decision was taken thereupon, the petitioner herein, approached the High Court of Delhi vide W.P (Crl.) 236/2026. The said petition was disposed of by the Hon'ble High Court of Delhi vide its order dated 22.01.2026 directing the respondents therein to communicate their response to the petitioner within a period of four weeks.

5. A reply had been filed by the Additional Senior Counsel appearing on behalf of the respondent wherein it was submitted to the specific effect that the Jail Superintendent, Mandoli Jail was not competent to decide the application for grant of parole as the petitioner was convicted by the Court of the Additional Sessions Judge, Chandigarh in a case registered by Central Bureau of Investigation, at Police Station North, Chandigarh.

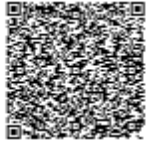
6. It was further contended by the learned senior counsel appearing on behalf of the petitioner that the Delhi High Court, after considering the objections taken by the respondent parties, directed the Jail Superintendent to communicate his response to the parole application to the petitioner and his counsel within a period of four weeks, since the authorities should take a decision on the application. It is further contended that notwithstanding the said specific order, the office of the Superintendent of



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Central Jail No.15, Mandoli, forwarded the case file of the petitioner, vide letter bearing folio No.15/SCJ-15 / AS (UT-CT) / 2026 / 152 dated 03.02.2026, to the Additional Chief Secretary (Home Affairs), Government of Punjab, Punjab Civil Secretariat, Chandigarh for decision on the parole application. It is contended thereafter, that even the Government of NCT of Delhi directed Superintendent II, Prison Headquarter Tihar, Delhi to forward the case file of the convict-petitioner to the Punjab Government regarding grant of parole as he has been convicted by the State of Punjab.

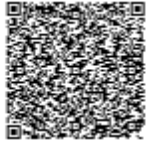
7. Learned senior counsel contends that the communication is erroneous and is based on a misunderstanding of the order of the High Court and on an assumption that since the petitioner was an ordinary resident of Punjab, hence, his application for parole too ought to be considered by them. It was under this misplaced notion that the matter for grant of parole was forwarded by the Government of National Capital Territory of Delhi as well as the Superintendent, Central Jail No. 15, Mandoli to the Government of Punjab. It is submitted that Jail Superintendent of Central Jail, Mandoli was not the competent authority to take a decision as per law as the case was registered within the territorial jurisdiction of Chandigarh and also the order of conviction was passed by the Additional Sessions Judge, Chandigarh. He contends that a reminder representation dated 25.02.2026 was thereafter sent by the counsel appearing on behalf of the petitioner to the respondent authorities which include the Superintendent, Central Jail No. 15, Mandoli as well as officials of the Government of Punjab and the Superintendent of Model Jail, Chandigarh.



8. Learned counsel contends that in compliance of the order dated 03.06.2026, passed by this Court, a Status Report has been filed by the Superintendent of Central Jail No. 15, Mandoli, wherein it has been stated that the Government of Punjab has communicated vide letter No. F.18 / 15 / 2025 / H (G) / Prisons / (E-280887) dated 05.03.2026 wherein it has been conveyed that as per the information received from the Senior Superintendent of Police, Fatehgarh Sahib and Director Bureau of Investigation, multiple cases have been registered against the petitioner and the Bureau of Investigation have recommended not to grant parole to the petitioner.

9. Learned senior counsel appearing on behalf of the petitioner contends that the aforesaid communication is only one amongst other report that may be sought by the competent authority to decide as to whether a parole is to be granted to the petitioner or not. He submits that the Home Secretary of the Courts of Union Territory, Chandigarh is the competent authority to take a decision in this regard and to make his recommendation and that any letter forwarded by the Government of Punjab, through the jail authority, is immaterial for adjudication of the application submitted by the petitioner.

10. Learned counsel appearing on behalf of the respondent / Union Territory, Chandigarh, however, contends that as per the provisions enshrined in The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and the Rules framed thereunder, as applicable to the UT, Chandigarh, a decision with respect to the temporary release of a convict is to be taken by the Superintendent of the Jail, where a convict is undergoing his sentence.



The petitioner is currently undergoing sentence with the Superintendent of Jail No. 15, Mandoli, New Delhi, after the Ministry of Home Affairs transferred the prisoner to Tihar Jail on account of a jail break incident in which the petitioner was involved and remained absconded for a period before being apprehended again. Hence, a decision with respect to grant of parole is not to be taken by respondent authority and the Union Territory is only to forward its report. He further makes a reference to Delhi Prison Rules, 2018 and contends that the petitioner is not eligible as the Rules prescribed that parole shall not be granted to the convict under sedition, terrorist activities and also to those who are also involved in an escape bid.

11. He submits that decision in this regard is however to be taken by the Superintendent of Central Jail No.15, Mandoli and even direction was to them to take a decision on the application. He submits that the U.T. Chandigarh is at best required to submit its report to the Jail Superintendent of Mandoli, if such a request is received and that they shall do so, as required.

12. Mr. S.G.K.Murty, Senior Law Officer, Delhi Prisons contends that the error in forwarding the case of the petitioner occurred on account of a misunderstanding in the office of the Superintendent of Central Jail No. 15, Mandoli and submits that they would re-direct the request of the petitioner for grant of parole to the Home Secretary, Union Territory of Chandigarh and that in the event of receipt of the comments / recommendation of the Union Territory, Chandigarh, an appropriate decision shall be taken in a time bound manner, on the application for grant of parole submitted by the petitioner herein.



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13. Counsel for the petitioner and U.T., Chandigarh have no objection to the same and to the petition being disposed of at this stage by issuing time bound directions to the parties.

14. In view of the aforesaid, the present petition is **disposed of** at this stage, with the following directions:-

- i That the Superintendent, Central Jail No.15, Mandoli, shall re-direct / forward the request of the petitioner for grant of parole to the Home Secretary, Union Territory, Chandigarh within a period of one week from today;
- ii That on receipt of the aforesaid request, the Union Territory, Chandigarh shall submits its comments / recommendations to the Superintendent of the Central Jail No.15, Mandoli within a further period of four weeks, as per law and
- iii On receipt of the aforesaid comments / recommendation, the Superintendent of the Central Jail No.15, Mandoli shall take a decision on the parole application within a further period of two weeks thereafter.

15. Needless to mention that all authorities whose reports are to be obtained/filed shall also take a special note of the timelines undertaken above.

(VINOD S. BHARDWAJ)
JUDGE

06.07.2026
mamta

(SUKHVINDER KAUR)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No