

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

**CRWP No. 1903 of 2014
DATE OF DECISION : January 22, 2015**

Randhir Singh

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Ms. Sarla Chaudhary, Advocate for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

M.JEYAPPAUL, J.

1. The Writ Petition is filed by the life convict Randhir Singh challenging the rejection of the parole plea submitted before the Superintendent District Jail, Rohtak.

2. It is contended by the Writ Petitioner Randhir Singh that his family depends upon the income from the agricultural operation. His parents are old and, therefore, agricultural operation could not be carried on effectively. It is further contended that he had availed parole many a time and surrendered within the expiry date.

3. He submitted an application as per the directions of this Court before the jail authorities. Vide impugned order dated 25.11.2014 referring to the jail offences allegedly committed by the Writ Petitioner, the jail authorities classifying the convict as a hardcore prisoner turned down the plea for release on parole.

4. The learned counsel appearing for the Writ Petitioner producing a copy of the judgment passed by the trial Court on 5.1.2015 would submit that the only criminal case for the alleged offence committed in jail prisons already ended in acquittal. It is her further submission that though there was allegation that a sum of Rs. 2000/- was found during the search made in the jail, no criminal case was launched as against the Writ Petitioner.

5. The learned counsel appearing for the State would submit that as jail offences had been committed, the authorities rightly rejected the plea for parole.

6. On a perusal of the judgment passed by the trial Court on 5.1.2015, it is found that the accused was acquitted in a case booked for the alleged possession of mobile phone in the jail premises. The allegation that the applicant was found in possession of Rs. 2000/- in the jail premises had not culminated in any criminal case. In other words it is an admitted position that no criminal case was launched for the alleged possession of a sum of Rs. 2000/- by the convict in the jail premises. Therefore, it is found that a criminal case booked against convict for the jail offence ended in acquittal

and the other allegation regarding commission of yet another jail offence remained at the stage of allegation itself.

7. In view of the above, we find that the Writ Petitioner is entitled to agricultural parole in terms of Section 3 (1) C of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

8. With the above observations, the impugned order passed by the jail authorities stands set aside and the jail authorities are directed to re-consider the plea of the Writ Petitioner and pass appropriate orders within 15 days from the date of this order.

9. The Writ Petition is disposed of accordingly.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

January 22, 2015

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