

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

201

**CRWP No.1319 of 2015
Date of Decision:30.10.2015**

Narender @ Sonu

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM:-HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Pawan Girdhar, Additional AG, Haryana.

S.S.SARON, J.

The writ petition has been filed by the petitioner for his temporary release on parole for agriculture purposes in terms of the provisions of Section 3 (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

The petitioner is undergoing his life imprisonment in case FIR No.290 dated 14.10.2008 registered at Police Station City, District Ambala for the offences punishable under Sections 302, 365, 201 and 411 read with Section 34 of the Indian Penal Code ('IPC'-for short), besides, Section 25 of the Arms Act. He has been sentenced to undergo life imprisonment. Against the said conviction and sentence, the petitioner has filed Criminal Appeal No.D-192-DB of 2011, which is pending in this Court.

During the incarceration of the petitioner, he filed an application for his temporary release on parole for agricultural purposes. The Superintendent Central Jail, Ambala-respondent No.2 vide Endorsement No.Parole/CJA/861-62 of 2015 considered the

application for parole on 10.03.2015. The petitioner was given the concession of parole by the Jail Authorities, Ambala. He accordingly submitted Form 'C' (Annexure P-2), which is the bond for his temporary release to the Court of District Magistrate, Ambala. The petitioner furnished surety of Rs.1,00,000/-. It is submitted that the jail authorities at Ambala did not consider the same. According to the petitioner after receiving the Form 'C', it was the duty of jail authorities to release him on parole which is being denied to him.

Notice of motion was issued on 11.09.2015.

Reply by way of affidavit of Sh. Atma Ram Bishnoi, Superintendent, Central Jail, Ambala on behalf of respondents No.1 and 2 has been filed in Court today. In the reply, it is *inter alia* submitted that the agriculture parole case of the petitioner was forwarded to the Divisional Commissioner, Ambala, who is the sanctioning authority for grant of parole. It was also forwarded to the District Magistrate, Ambala for verification and recommendation. The Divisional Commissioner, Ambala sanctioned six weeks parole to the petitioner vide order dated 10.03.2015. The said sanction was with the recommendation of the District Magistrate, Ambala and Form 'C' (Muchalaka) was sent to District Magistrate, Ambala by the Superintendent Central Jail, Ambala (respondent No.2) on 13.03.2015 for issuing the release order in respect of the petitioner for six weeks parole. It is submitted that when the release order is issued by the District Magistrate, Ambala, the petitioner would be released on parole.

We have given our thoughtful consideration to the matter.

The release of the petitioner on parole has probably been delayed as case FIR No.181 dated 04.05.2015 has been registered against him at Police Station Baldev Nagar, Ambala for the offences punishable under Sections 188 and 120-B IPC, besides, Section 42 of the Prisons Act. The said case was registered on account of a mobile phone being detected from the petitioner in the jail premises. However, it is admitted case between the parties that the petitioner has since been acquitted in the said case by the learned Judicial Magistrate First Class, Ambala on 23.09.2015. Therefore, there appears to be no such reason as to why the order of release by issuing release warrants for parole to the petitioner is being denied. No explanation for not issuing the release warrants on parole in respect of the petitioner has been given. In the aforesaid circumstances, it would be just and expedient if the District Magistrate, Ambala issues the necessary release order on his satisfaction of Form 'C' (Annexure P-2).

Accordingly, the writ petition is allowed and the District Magistrate, Ambala on satisfying himself with respect to Form 'C' (Muchalaka) Annexure P-2 of the petitioner shall issue the necessary release order. The necessary release warrants be issued as expeditiously as possible and preferably within two weeks from the receipt of certified copy of the order.

(S.S. SARON)
JUDGE

October 30, 2015
prince

(RAJ MOHAN SINGH)
JUDGE