

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Criminal Writ Petition No.344 of 2015**

Date of Decision : September 24, 2015

Manish Kumar

.....Petitioner

**VERSUS**

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE T.P.S. MANN  
HON'BLE MR.JUSTICE GURMIT RAM

Present : Mr. Krishan Singh, Advocate.

Mr. Dhruv Dayal, Deputy Advocate General, Haryana.

**T.P.S. MANN, J.**

Petitioner-Manish Kumar, who is undergoing imprisonment for life in FIR No.231 dated 12.9.2012, Police Station Nangal Chaudhary under Sections 302/34 IPC has filed the present petition under Articles 226/227 of the Constitution of India read with Section 482 Cr.P.C. and Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 praying therein that he be released on parole for six weeks for agricultural purpose and the order dated 26.1.2015 (Annexure P-1) passed by the Commissioner, Gurgaon Division, Gurgaon rejecting his application for release on parole for the aforementioned purpose, be quashed.

According to the petitioner, he has already filed Criminal Appeal No.D-870-DB of 2014 against his conviction and sentence, which is pending in this Court for final adjudication. He applied for parole for agricultural purposes. His application was forwarded by the

Superintendent, District Jail, Narnaul and after necessary verification, the case was sent to the Commissioner, Gurgaon Division, Gurgaon but without applying his mind, the Commissioner rejected the said application on the ground that the mother and the niece of the petitioner could carry out the agricultural work and the release of the petitioner was likely to result in breach of peace and danger to security of the State. According to the petitioner, the parole could not be refused on the ground that the family members of the petitioner could do the agricultural work. Further, mere apprehension of breach of peace and danger to security of the State was not sufficient to deny the request of the petitioner for the parole.

Upon notice, the respondents stand served and duly represented by the State government. Reply has also been filed by the Superintendent, District Jail, Narnaul on behalf of all the respondents. It has been stated therein that after due consideration of the recommendations of the Superintendent of Police and the District Magistrate, Mahendergarh, the competent authority, i.e. the Commissioner, Gurgaon Division, Gurgaon has rightly rejected the parole case of the petitioner.

Having heard learned counsel for the parties, this Court finds that the prayer of the petitioner for release of parole has primarily been declined on the ground that there was an apprehension of breach of peace, besides danger to the security of the State. However, no material in support of the said assertion has been brought on record by

the respondents. The relief of parole cannot be denied on flimsy and baseless ground. Of course, if there is any material on the file to indicate that with his release on parole, the petitioner is likely to disturb the peace or endanger the security of the State, then the authorities are within their competence to deny his release on parole. As no such material has been brought on record, this Court finds that the impugned order (Annexure P-1) passed by the Commissioner, Gurgaon Division, Gurgaon cannot be sustained.

In view of the above, impugned order (Annexure P-1) passed by the Commissioner, Gurgaon Division, Gurgaon while rejecting the application of the petitioner for release on parole for agricultural purpose is quashed. The Commissioner, Gurgaon division, Gurgaon shall pass fresh order on the application of the petitioner for release on parole without considering the fact that his coming out on parole would result in breach of peace or danger to the security of the State, unless, there is any specific material available on the record in that regard.

The petition is, accordingly, disposed of.

**( T.P.S. MANN )**  
**JUDGE**

**( GURMIT RAM )**  
**JUDGE**

September 24, 2015  
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