

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

**CRWP No.519 of 2015 (O&M)
Date of Decision: 13.05.2015**

VED PARKASH

..... Petitioner

VERSUS

THE STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sarla Choudhary, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

RAJ MOHAN SINGH J. (ORAL)

1) Prayer in this petition is for issuance of direction to the respondents to release the petitioner/prisoner under Section 3 or 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 on personal bonds.

2) The petitioner is undergoing sentence on his conviction under Section 302 IPC and has been sentenced to undergo life imprisonment.

3) The petitioner claims that vide order dated 15/16.03.2015, the petitioner was ordered to be released under Section 3 and 4 of the Act, 1988 on parole of six weeks subject to the following conditions:-

1. The prisoner shall during the period of his temporary release reside at **village Seria P.S. Beri Distt. Jhajjar**. He shall not without obtaining the prior permission of District Magistrate visit any place not specified in the release warrant during the said period.

2. At the time of his release on the Parole the prisoner shall give to the

District Magistrate, Jhajjar full particulars of the place where he

intends to reside during the period of temporary release and shall keep the District Magistrate informed of any subsequent changes of his residence during the said period and he shall report to the nearest police station once in a week.

3. The prisoner shall during the period of temporary release keep peace and maintain good behavior.

4. At the expiry of the said period **6 (Six Weeks)** for which the prisoner has been temporary released the said prisoner **Ved Parkash s/o Hari Chand** shall surrender himself to the Superintendent of the Jail from which he is so released to undergo the unexpired portion of his sentence.

5. The prisoner shall before his release on Parole furnish to the satisfaction of the District Magistrate, Jhajjar bond and two sureties in the sum of **Rs.2,00,000/- (Two lacs only) (each)** for faithfully observance of the conditions specified in the release warrant.

6. When the surety furnished becomes insolvent or dies the Government may order the prisoner to furnish surety immediately and if such surety is not furnished, the Government may proceed as if there had been a non-compliance of the conditions of this order.

7. In addition to the action under subsection (2) and (3) of Section 8 of the said Act, the amount of the bond shall stand forfeited to Haryana Government in case any condition of the bond is in the opinion of the Government not fulfilled.

4) That according to condition No.5, the petitioner/prisoner is required to furnish bond and two surety bonds in sum of Rs.2,00,000/- each for faithful observance of the conditions specified in the release warrant.

According to the petitioner, this condition is not workable, so far as the circumstances of the petitioner are concerned. Petitioner submits that there is no one in his family who can come to arrange surety bonds from him as he is the only surviving member of the family. His parents, wife and only son have already expired. Prayer for his release on personal bond is prayed, to be the only workable solution.

5) Learned counsel for the petitioner submits that on previous occasion also, prayer of the petitioner was entertained in CRWP No.120 of 2014 decided on 28.02.2014, wherein the Court while granting the relief also observed in the following manner:-

“It may be noticed that even on previous occasions the petitioner had approached this Court seeking release on Furlough on personal bonds and citing the same very difficulty i.e. there being no other family member, who would come forth to arrange the surety bonds for him. On both the previous occasions, this Court had taken cognizance of the personal compelling circumstances of the petitioner and had intervened in terms of ensuring release of the petitioner on furlough on furnishing personal bonds. In this regard, a reference may be made to the order dated 25.04.2012 passed by this Court in CRWP No.662 of 2012 at Annexure P-5 as also order dated 06.01.2011 passed in CRWP No.2233 of 2010. State counsel concedes that on both such occasions, the petitioner had not misused the said concession”.

5) While taking note of the family background of the petitioner, this Court in aforesaid decision ordered release of the petitioner on temporary furlough for a period of three weeks on furnishing personal bonds of Rs.50,000/- to the satisfaction of the Judicial Magistrate, Jhajjar.

The condition of submitting two sureties in the like amount was ordered to be dispensed with.

6) The State has filed reply and submits that the petitioner was bailed out on 26th April, 2004 by the High Court. After dismissal of the appeal by the High Court, he was again admitted to jail on 21.02.2009 and now he is undergoing imprisonment of life. He was transferred to District Jail, Rohtak from Faridabad on 26.07.2014 under the order of the Director General of Prisons, Haryana. He remained under trial and has availed 20 weeks and 02 days parole till date. Furlough of three weeks was also availed by him on his personal bond from 19.05.2014 to 10.06.2014. Now, the petitioner has submitted application for his release on the ground of agriculture parole. The parole case of the petitioner was sent to District Magistrate, Jhajjar and Commissioner Rohtak Division, Rohtak. The authority has granted six weeks parole to him on the condition as formulated above.

7) Apparently, keeping in view the family circumstances of the petitioner, he was asked to execute personal bond and has not misused the concession. Following the same norms in the present case, petitioner can be asked to execute personal bonds in sum of Rs.1 lac to the satisfaction of District Magistrate, Jhajjar. The period of his release in terms of Section 3 or 4 of the Act of 1988 would commence from the date of his release from jail. Condition No.5 in the context of executing two sureties in the sum of Rs.2 lacs each would stand dispensed with, in the interest of justice.

With these observations, this petition is disposed of.

13.05.2015

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(RAJ MOHAN SINGH)
JUDGE