

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.1212 of 2015
Date of Decision: 26.07.2016

Ram Pal

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Diwan S.Adlakha, Advocate for the petitioner.

Mr.Anmol Malik, DAG Haryana.

RITU BAHRI, J. (ORAL)

The instant petition has been filed under Article 226 of the Constitution of India read with Section 3(1)(C) of the Haryana Good Conduct Prisoners (Temp. Release) Act, 1988, for issuance of order to the respondents to release the petitioner on agriculture parole for six weeks to enable him to plough his fields in the village.

After issuance of notice of motion, reply dated 19.09.2015 has been filed by the learned State counsel by way of affidavit of Vishal Chhibber, Officiating, Superintendent, Central Jail, Ambala on behalf of respondents No.1 to 4. It has been mentioned in the reply that as per report of the Tehsildar, Naringarh, there was 14 Canal, 7 Marle land vide sanction mutation No.700 in the name of mother of the said convict after expiration of Sh.Munshi Ram (father of the said convict) who expired on 24.09.1996. There are 5 sons and 3 daughters of Smt.Simro Devi-mother of the accused. As per record of Mutation No.700 there were 62 canal and 6 marlas of land

45 canal and 6 marlas of land had been sold. According to the Section 3(1) C of the Haryana Good Conduct Prisoners (Temporary Release) Act-1988, the agriculture land should be in the name of the convict or the same should be undivided land in the name of prisoner's father and actually in possession of the prisoner for grant of agriculture parole but petitioner does not fulfil the condition mentioned above. However, he was granted 6 weeks parole twice in the years 2009 and 2012 respectively but both the time he had surrendered late and he was verbally warned by the then Superintendent jail.

As per Section 3(1) C of the Haryana Good Conduct Prisoners (Temporary Release) Act-1988, petitioner does not fulfil the said condition but due to death of his father, the land was transferred in the name of his mother and there is no option left with the petitioner but to file application with the abovesaid facts. Earlier he had been granted 6 weeks parole in the years 2009 and 2012.

In view of the above, this petition is disposed of with a direction to the respondents that the application of the petitioner for grant of six weeks parole for agriculture purpose will not be rejected by them considering the fact that the land is in the name of his mother due to death of his father.

Disposed of.

(RITU BAHRI)
JUDGE

26.07.2016
anil

Whether speaking/reasoned : *Yes.*

Whether reportable *No.*