

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

CRWP No. 923 of 2016

Date of decision : 22.08.2016

Suresh @ Tangu

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.V.S.Rana, Advocate
for the petitioner.

DARSHAN SINGH, J.

The present criminal writ petition has been preferred under Article 226 of the Constitution of India praying for setting aside the impugned order dated 09.06.2016 (Annexure P-1) passed by the Commissioner Gurgaon Division, Gurgaon, vide which the application moved by the petitioner for grant of six weeks agricultural parole has been dismissed.

2. Learned counsel for the petitioner contended that petitioner has 12 Kanals 2 Marlas of land in the revenue estate of village Kalban, Tehsil Narwana, District Jind, Haryana. There is no male member in the family to do the agriculture work. The application moved by the petitioner for grant of parole was recommended by the Sub-Divisional Magistrate, Narwana as well as District Magistrate, Jind. But, the Commissioner, Gurgaon Division Gurgaon, has wrongly dismissed his application for parole without considering the reports of the learned District Magistrate Jind. He contended that the petitioner is entitled for agricultural parole under the provisions of Rule 4 (1) of Haryana Good Conduct Prisoners (Temporary Release) Rules 2007 (hereinafter called 'Rules')

3. We have duly considered the aforesaid contentions.

4. We do not find any illegality in the impugned order passed by the Commissioner, Gurgaon Division, Gurgaon. The petitioner was convicted for the offences punishable under Sections 302, 307, 149, 120-B, 216 of the Indian Penal Code, 1908 (for short IPC) and Section 25 of the Arms Act. He was sentenced to undergo life imprisonment. Apart from the aforesaid case, he was also involved in other cases which is evident from the following observations of the Commissioner, Gurgaon Division, Gurgaon in the impugned order, which reads as under:-

“I considered the parole release application of convict sent by Superintendent, District Jail Faridabad and report of District Magistrate Jind. According to Jail Superintendent Report, convict is on bail in Case No. 312 of 2014 dated 14.01.2016, Case No. 15/09 dated 01.12.2015, Case No.87 of 2013 dated 16.12.2015, Case No.386 of 2012 dated 11.1.2016. According to convict's history ticket and conviction period, convict is in the jail since 5.4.2012 and according to convict's under trial period in other cases, convict was sent to attend the Peshi in Kaithal Court on 09.08.2012 in police custody. Convict absconded from police custody while sent to face trial and was again admitted in jail on 21.10.2012.”

The aforesaid observations depicts that the petitioner was involved in four other cases in addition to this case. It was also found that he has absconded from the police custody on 09.08.2012 when he was taken to Kaithal Courts for attending the hearing and could be arrested only on 21.10.2012. It shows the tendency of the petitioner to abscond, so he has been rightly declined the concession of parole, at least for the present.

5. So, the present writ petition having no merits, is hereby dismissed.

(RAJESH BINDAL)
JUDGE

(DARSHAN SINGH)
JUDGE

August 22, 2016

s.khan

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No