

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRWP No.1217 of 2016

Decided on : 16.03.2017

Krishan

... Petitioner

Versus

The State of Haryana and others

.. Respondents

**CORAM : HON'BLE MR.JUSTICE M. JEYAPPAUL
HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH**

Present : Mr.A.S.Trikha, Advocate
for the petitioner.

Mr.Ashok Muthreja, DAG, Haryana.

M.Jeyappaul, J. (Oral)

Challenge in this writ petition is to the rejection of the plea of the petitioner for grant of agricultural parole.

The Commissioner, Rohtak Division, Rohtak, rejected the plea for parole sought for by the petitioner on the ground that the petitioner violated one of the conditions imposed upon him while releasing him on parole during earlier occasion. In other words, he did not choose to report the police station in terms of one of the conditions of the earlier parole granted to the petitioner. It has further been observed in the order dated 21.09.2016 passed by the Commissioner, Rohtak Division, Rohtak that the writ petitioner does not have any agricultural land in his name, but there are members of the family to take care of the agricultural land in the name of his father. It has been further observed that the writ petitioner has the propensity to commit crime again if he is

released on parole.

Respondent-State filed reply, and additional reply as well. In the latest reply dated 20.02.2017, filed by the respondent-State, it has been categorically contended that the writ petitioner, who was released on parole for four weeks on 17.01.2017, with a direction to surrender before the jail Authorities on 15.02.2017 was involved in an offence under the Arms Act, and as a result of which, a criminal case was registered against him on 29.01.2017. He was in fact, taken into custody by the local police, Palwal, and was remanded to judicial custody. The petitioner was transferred from District Jail, Palwal to District Jail, Karnal on 10.02.2017.

Of course, learned counsel for the writ petitioner submits that the above facts do not find mention either in the impugned order dated 21.09.2016 (Annexure P/1) passed by the Commissioner, Rohtak Division, Rohtak, or in the report submitted by the District Magistrate, Faridabad, on 17.06.2016.

Counsel for the respondent-State very fairly replied to the above submission by contending that there was no occasion either for the District Magistrate or the Commissioner, Rohtak Division, Rohtak, to make any such observation as regards the involvement of the writ petitioner in yet another crime which took place on 29.01.2017 as the order passed by the Authorities relates back to the year 2016.

As it is brought to our notice through the reply submitted by the respondent-State that the petitioner had committed an offence under

the Arms Act during parole period and was also arrested and put behind bars in connection thereto, we are of the view that the writ petitioner who has the propensity to commit crime during the period of parole is not entitled to agricultural parole.

Accordingly, the writ petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

March 16, 2017
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(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No