

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

**CRWP No.1260 of 2016 (O&M)
Date of Decision: March 22, 2017**

Sonia

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sanjeev Majra, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226/227 of the Constitution of India read with para 3(1) (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and para 8(1) of the Haryana Govt. Gaz. (Extra), Dec. 18, 2007 Rules for issuing writ in the nature of certiorari for quashing of order dated 13.07.2016 passed by learned Commissioner, Rohtak Division, Rohtak, vide which the application of the petitioner for releasing her on parole, has been declined.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

From the record, I find that the convict-petitioner has applied for seeking parole for admission of her child and Superintendent Jail after

considering the case, forwarded the same through letter No.2039 dated 24.05.2016 to District Magistrate, Saharanpur, for verification and submission of report. The present petitioner was awarded death sentence under Sections 302, 34 and 120-B IPC vide order dated 31.05.2004 and the Hon'ble Supreme Court commuted the death sentence to life imprisonment. It is clear in the order that Superintendent Jail has recommended that as per Haryana Good Conduct Prisoners (Temporary Release) Amended act 2012, 2013 and 2014, the applicant is eligible for release on parole but also mentioned that the petitioner's behaviour in Jail is not good and also habitual to do the jail offence.

It is stated in the order that after passing 10th class, son of the convict is to be admitted in 12th class. No complaint is found against convict during parole nor any case is registered against her in any police station.

The Commissioner, Rohtak Division, Rohtak, dismissed the application on the ground that convict is criminal minded, so the District Magistrate and Superintendent of Police have not recommended the release of the convict.

At the time of arguments, it is admitted that petitioner was earlier released three times on parole and she never violated the parole order nor ever jumped the parole. The mere ground that convict is criminal minded, is no ground to decline the parole to the petitioner. No other ground has been mentioned for declining the application of the present petitioner.

Therefore, the order dated 13.07.2016 passed by the

Commissioner, Rohtak Division, Rohtak, is set aside. The Commissioner,

Rohtak Division, Rohtak is directed to decide the parole case of the petitioner afresh within six weeks from receiving the certified copy of this order.

Finding merit in the present petition, the same is allowed accordingly.

March 22, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No