

Anil

...Petitioner

Vs.

State of Haryana and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIHPresent : Ms. Sarla Chaudhary, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

M. JEYAPPAUL, J. (Oral)**CRM-W- Nos.328 & 329 of 2016**

Applications are allowed and exemption as sought for is granted.

CRWP No.1580 of 2016

Reply filed. Same is taken on record.

Petitioner / convict -Anil has challenged the order passed by the respondent-State through the Divisional Commissioner, Rohtak declining the prayer of the petitioner seeking agricultural parole for six weeks.

Heard the submissions made on either side and we also went through the reply submitted by the learned State Counsel.

On perusal of the case file, we find that the Superintendent of District Jail, Karnal and the District Magistrate, Sonapat had recommended agricultural parole for the writ petitioner but the Divisional Commissioner, Rohtak, having observed that the family members of the petitioner residing at the village can very well carry on the agricultural work, that there might be danger to peace in the village and that the petitioner might also abscond, chose to reject the plea for parole sought for by the petitioner.

There is no dispute that the petitioner enjoyed 4 weeks parole during the period from 05.07.2016 to 03.08.2016 for repair of his house. During the said period, no adverse report was received from the local Police, Panipat. In obedience to the term of parole for house repair, the petitioner had surrendered on the expiry of the said period.

We are also of the view that the 1st respondent-State has not produced any tangible material to demonstrate that the writ petitioner would pose a threat to co-villagers and he has the propensity to abscond. In fact the observations made by the Commissioner, Rohtak, do not synchronise with the fact situation inasmuch as no adverse report was received from the local police when he enjoyed the parole.

It is the admitted case that the wife and father of the writ petitioner are residing in the village. The reply submitted by the State discloses that the father of the petitioner is suffering from heart ailment. That apart, the father of the petitioner has a separate agricultural lands. There is no dispute to the fact that the petitioner also owns 6 kanals and 30 marlas of land.

For all these reasons, we are of the view that the impugned order passed by the 1st respondent merits reversal.

In view of the above, we direct the 1st respondent to release the petitioner on parole for 4 weeks w.e.f. 13.02.2017 subject to the satisfaction of District Magistrate. The petitioner shall surrender on 13.03.2017 at 10.00 am on expiry of 4 weeks parole granted by us.

Writ petition stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

February 06, 2017

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Whether speaking/reasoned Yes/ No

Whether reportable Yes/No