

CRWP-1000-2017

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

CRWP-1000-2017

Date of Decision: 21st December, 2017

Jasbir @ Situ

...Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

M.M.S. BEDI, J.(ORAL)

Report has been submitted to the effect that the petitioner had been admitted in the District Jail, Rohtak, on 12.06.2016, on transfer from District Jail, Sonapat, by the order of Director General of Prisons, Haryana, due to overcrowding and that now-a-days, a dispute regarding Baba Gangadass temple is going on in the village, so there is a danger to breach of peace, in case the petitioner is granted parole. As such, the District Magistrate, Panipat and the Senior Superintendent of Police, Panipat, have not recommended the case of petitioner for release on parole.

We have considered the facts and circumstances of the case and are of the opinion that merely because there is some apprehension of communal tension pertaining to some dispute regarding Baba Gangadass temple in the area of Panipat, the parole cannot be denied to the petitioner. We have also gone through the judgment of conviction passed against the petitioner and found that the observation made by the Commissioner in its

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order refusing the recommendation for parole i.e. the petitioner having been undergoing life sentence in a dispute regarding Mosque and there is danger to living arrangements is apparently wrong. There is neither any allegation of such nature in the judgment nor the apprehension is based upon a sound reasoning.

The report submitted on behalf of the respondents is not accepted, however, on account of the report that the house, which is sought to be got repaired has recently been constructed and is newly built but just whitewash remains to be undertaken, the ground for his release on parole is found false.

It is not out of place to observe here that we have not treated the writ petition as an appeal against the order of refusal of parole but circumstances have been taken into consideration as certain observations apparently were unreasonable violating of Article 14 of the Constitution of India.

The petition is dismissed for abovesaid reasons without prejudice to the rights of the petitioner to seek parole on the other grounds available to him under law.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

21st December, 2017
Harish

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