

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

CRWP-426-2017 (O&M)

Date of decision : 12.12.2017

Arvind @ Nitu

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Dimple Jain, AAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

CRM-W-240-2017

CRM application is allowed as prayed for and Annexures P-8 to P-10 are taken on record, subject to all just exceptions.

Main case

The petitioner has approached this Court under Article 226 of the Constitution of India, praying for setting aside impugned order dated 09.12.2016, passed by respondent No.3, whereby the application for agriculture parole of the petitioner has been rejected.

It is contended that prior to the amendment of Haryana Good Conduct Prisoner (Temporary Release) Amended Act 2013, the petitioner had availed 10 weeks' parole and never misused the concession. Therefore, the amended Act is not applicable to the petitioner. The impugned order is

against the ratio of law laid down by this Court in ***CRWP-1840-2014***, titled as ***Vakil Raj Vs. State of Haryana and others***, decided on 28.11.2015 (Annexure P-5).

On the other hand, learned State counsel has opposed the instant petition. She states that the case of the petitioner is covered by the amended Act and therefore, the case of the petitioner has rightly been rejected.

In view of the submissions made, the State is directed to consider and decide the case of the petitioner afresh in terms of the law laid down by a Division Bench of this Court in Vakil Raj's case (supra), within a period of three months from the date of receipt of a certified copy of this order.

Disposed of accordingly.

12.12.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

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