

Sr. No.217

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

CRWP No. 624 of 2017

Date of Decision: 08.11.2017

Nitin

.....Petitioner

VS.

U.T, Chandigarh and others

....Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present:- Mr. H.S.Jaswal, Advocate for the petitioner.
Mr. J.S.Toor, Advocate for the respondent.

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MAHESH GROVER, J (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, praying for setting aside the impugned order dated 18.04.2017 Annexure P-4 passed by respondent no.1 whereby the claim of the petitioner for grant of parole and releasing him for undertaking agricultural operations on his land has been rejected.

Reply has been filed which indicates that the prayer was declined by the competent authority by saying that his mother is there to look after the land and the presence of the petitioner is unnecessary.

After hearing the learned counsel for the parties, we are of the opinion that the reason given by the competent authority to reject the parole is unsustainable in the present case.

The prayer for parole necessarily has to flow from the relevant provisions of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 which stipulates the benefit for the purpose set out by the petitioner in his application. Merely because his mother is there to look after the land

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would be no reason to decline such a prayer to the petitioner. Indeed the State should be very much within its rights to consider the issue of security and threat to public peace etc. to decline prayer but denial of parole which is a valuable right to a convict on such flimsy consideration has to be deprecated.

We, therefore, set aside the order dated 18.04.2017 Annexure P4 and direct that prayer by the petitioner for parole be considered afresh within a period of two weeks from today on receipt of certified copy of this order.

Disposed of.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

08.11.2017
mamta

Whether /reasoned	Yes/No
Whether reportable	Yes/No