

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

CRWP-1367-2017

Date of decision:-22.1.2018

Neeraj Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Amrainder Singh, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

Petitioner – Neeraj Kumar, who was convicted and sentenced to undergo life imprisonment presently lodged in District Jail, Yamuna Nagar is seeking parole for eight weeks for getting his house repaired, which according to him is in dilapidated condition requiring immediate repairs by getting the order dated 25.8.2017 passed by respondent No.2 – District Magistrate, Yamuna Nagar quashed.

According to the petitioner, he is only bread earner of the family; that his residential house requires urgent repairs otherwise it may

collapse at any time and then his wife and family residing there may suffer any harm; that the petitioner had applied for grant of parole to jail authorities and his such application was marked to District Magistrate, Yamuna Nagar for consideration, however, District Magistrate, Yamuna Nagar on the basis of report of District Magistrate, Saharanpur has rejected the application observing that the house is in a proper condition and is a joint house where father and brother of the convict and other family members are residing; that such observations are wrong since wife of the petitioner along with his children are residing separately from other family members; that father of the petitioner is not keeping good health and remained hospitalized in PGI, Chandigarh from 23.9.2017 to 24.10.2017 and now he is bedridden. Therefore, he be granted parole.

On notice, respondents appeared and filed reply contesting the petition. *Inter alia*, it is contended that benefit of parole is only a concession given by the State Government and a prisoner cannot claim it as a matter of right; that application submitted by the petitioner to Superintendent, District Jail, Yamuna Nagar was forwarded to District Magistrate, Saharanpur (U.P.) for further verification and recommendation and the latter sent verification report of Senior Superintendent of Police, Saharanpur reporting that petitioner is charged with serious crime and during parole, he may commit the crime again and may abscond from parole. Furthermore, the house of the petitioner is being looked after by his family members, therefore, the District Magistrate, Saharanpur has not recommended release of petitioner on parole. Therefore, the parole case of the petitioner has been rejected by District Magistrate, Yamuna Nagar. It is submitted that the condition of the house of the petitioner is good and

the same is being looked after by his father, brother and other family members. In the end, dismissal of the petition has been sought.

I have learned counsel for the petitioner and learned State counsel besides going through the record and I find that the petition does not have any merit and is doomed for failure.

Though the petitioner is seeking parole for the purpose of repair of his house but as per the verification report referred to by the respondents in the written reply, the house is in good condition and the same is being looked after by father, brother and other family members of the petitioner, therefore, it cannot be said that his being released on parole is absolutely necessary to carry out the necessary repairs or that for want of repair, the house is in danger of falling down. The Administration of Saharanpur, where the petitioner wants to go after being released on parole, has opposed his release on parole submitting that he is likely to indulge in crime there. Basically, the petitioner has sought release on parole for the purpose of repair of his house. However, in the petition he has added illness of his father as an additional ground but with other members of the family being there to look after father of the petitioner even if he is sick, this ground does not seem convincing.

Finding no merits in the petition, the same stands dismissed.

22.1.2018
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No