

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

CRWP-1375-2017

Date of decision:-22.1.2018

Sunder

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr.Rakesh Nehra, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

Mr.B.R. Rana, Advocate
for the complainant.

H.S. MADAAN, J.

Petitioner – Sunder after being convicted by learned Additional Sessions Judge, Palwal and sentenced to undergo imprisonment for seven years presently lodged in District Jail, Faridabad has filed the present petition for grant of parole for eight weeks to do agriculture work.

According to the petitioner, the application so moved by him and forwarded by Jail Authorities to District Magistrate, Palwal was

dismissed by District Magistrate, Palwal vide impugned order dated 16/17.10.2017; that the reason given for the rejection for his request is that there is reasonable apprehension of nuisance, if the petitioner is released on parole, which is obviously wrong.

On notice, respondents appeared and official respondents No.1 to 3 filed reply contesting the petition. *Inter alia*, it is contended that on receipt of copy of writ petition, the matter was got inquired into by the police when statement of Roop Chand son of Indra, Shyam son of Nanhe, Balkishan son of Ramphal etc., all residents of village Andhop, Police Station Bahin were recorded wherein they stated that there is enmity between the family members of Prem Chand and Sunder and if the petitioner is released on parole, there may be some kind of disturbance in the village. 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.

The release on parole is a concession granted to the accused, who has been convicted undergoing sentence in the jail. He cannot claim such concession as a matter of right. The petitioner had sought his release on parole for eight weeks for doing agricultural work. The main agricultural work is done during the time of harvesting of the wheat crop or plantation of paddy crop. Both the seasons are over by now. The residents of the village of the petitioner have opposed his release on parole stating that due to his enmity with other persons of the village, there is likelihood of disturbance. The petitioner has got past criminal record, which is detailed in the impugned order. Therefore, it would not be

proper and appropriate to accede to his request and grant parole to him more particularly when details of the land said to be owned or possessed by the petitioner have not been given. Furthermore, as informed the petitioner was given two weeks parole at the time of death of his mother.

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

22.1.2018

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No