

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

CRWP No.476 of 2017(O&M)

Date of Decision: 19.01.2018

SANJAY

....Petitioner

Versus

STATE OF HARYANA AND ORS

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Sarla Chaudhary, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

The present writ petition has been filed under Article 226 of the Constitution of India for grant of Parole for House Repair in view of Section 3(1)d of the Haryana Good Conduct Prisoner's Temporary Release Amended Act, 2015 (for short 'the Act of 2015') for a period of four weeks .

It is contended that the impugned rejection order Annexure-P1 is absolutely laconic and there are no proper reasons assigned in the said order.

I have gone through the impugned order (Annexure P-1) and the operative part of of the same is reproduced as under:

“I have gone through the facts given on file, documents have gone through thoroughly, according to Superintendent of Police report that prisoner's family members are able to get the house repaired. That prisoner after releasing on parole may commit some offence, may become absent and there can be apprehension of breach of peace in the village. That keeping in view of the report of Superintendent of Police the representation of parole of Sanjay son of

Rajinder Singh is not recommended. That Superintendent Jail inform regarding this decision to the prisoner and take further action according to rules.”

Perusal of the operative part of the impugned order reveals that the prayer of the petitioner was declined absolutely on indefensible grounds as firstly it says that there are other family members who can repair the house; secondly it says that in case petitioner is granted parole he may commit some offence; thirdly it says that in case he is released on bail then there may be apprehension of breach of peace in the village.

Therefore, the reasoning given in the impugned order is self contradictory and just to reject the claim of the petitioner and thus not sustainable. The impugned order further reveals that the parole was declined to the petitioner on the basis of report of Superintendent of Police, Bhiwani, but despite the order dated 01.12.2017, the said report has not been placed on record by the Sate for the reasons best known to them.

Consequently, the impugned order is set aside and the petition is allowed with the directions that the petitioner can make a fresh application to Superintendent of Central Jail, Ambala-respondent No.3 being the competent Authority and the same shall be considered according to law within three months from the receipt of the copy of this order.

[MAHABIR SINGH SINDHU]
JUDGE

January 19, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no