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

CWP No.12530 of 2018

Date of decision: September 28, 2018

Ijajul-Haq

...Petitioner

Versus

The State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Ms. Safia Gupta, AAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner has challenged the order dated 30.01.2018, by which his application for his temporary release on parole for the repair of his house has been declined.

In brief, the petitioner is suffering 5 years sentence in District Jail, Faridabad after his conviction on 09.08.2016 in a case registered vide FIR No.412 dated 29.07.2015, under Sections 379, 307, 420 IPC, Section 25 of the Arms Act, 1959, Sections 3/8 of the Cow Slaughter Act and 11 of the Animals Cruelty Act at Police Station Saran, District Faridabad. The details of other cases registered against the petitioner, as depicted in the reply filed by the respondents, are as under:-

1. FIR No.101/2015, registered under Section 392/34 IPC at Police Station City, Palwal, District Palwal, in which he is on bail.
2. FIR No.449/2015, registered under Sections 380, 427 IPC at Police Station City, Palwal, in which he has been

acquitted on 12.12.2016.

3. FIR No.06/2015, registered under Section 379 IPC at Police Station Central, Faridabad, in which he has been convicted to the sentence already undergone on 15.07.2016.
4. FIR No.14/2015, registered under Sections 384/34 IPC at Police Station Kotwali, District Faridabad, in which he has been convicted to the sentence already undergone on 20.01.2017.
5. FIR No.305/2013, registered under Sections 279, 304-A, 379, 307, 429, 34 IPC and 25 of the Arms Act, 1985 and Cow Slaughter Act at Police Station Suraj Kund, District Faridabad, in which he has been acquitted on 19.01.2018.
6. FIR No.903 dated 14.12.2013, registered under Sections 148, 149, 307, 420, 120-B IPC and 25 of the Arms Act, 1985, 4A/8, 2/80 of the Cow Slaughter Act at Police Station Sector -7, District Faridabad, in which he has been convicted for a period of 10 years RI with fine.

The petitioner had applied for parole for the repair of his house.

The District Magistrate, on enquiry, has found that the house in question is in the name of his father Jafrudin, which is not repairable. Further, there is no house in the name of the petitioner and there are 8 members living in his father's house, who can carry out the necessary repair work, if any. It is also observed in the impugned order that as per the report of the Superintendent of Police, Nuh, if the petitioner is released on parole, he would not surrender back and may abscond.

Counsel for the petitioner has submitted that the parole cannot be denied to the petitioner on the ground that his other family members can carry out the repairs. In this regard, he has referred to a judgment of this Court rendered in the case of **Rajesh Puri vs. The State of Punjab**, 1994(1) R.C.R.

(Criminal) 729. She further submitted that the petitioner may also assist as an additional hand in the house repair work.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the ground projected by the petitioner for seeking parole appears to be a lame excuse because as per the report of the District Magistrate, the house in question belongs to the father of the petitioner and is irreparable. Moreover, there are 8 members of the petitioner's family, who are living in the said house and are able to carry out the necessary repair(s), if any. Further, the petitioner has not attached any photograph of the house in question which allegedly requires any kind of repair.

In view of the above, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 28, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No