

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

CWP No. 14859-2018

Date of decision : 06.07.2018

Ashok

.....Petitioner

versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.S. Sheoran, for the petitioner.

Ms. Nidhi Garg, AAG, Haryana

RITU BAHRI, J. (Oral)

The petitioner is seeking quashing of order dated 08.05.2018 whereby application of the petitioner for grant of parole for four weeks' for agriculture work, has been dismissed by the Commissioner, Rohtak Division.

The petitioner has been sentenced to undergo RI for life in a case FIR No.128 dated 02.05.2014, under Sections 302, 307, 323, 147, 452, 354, 506, 509 IPC, registered at Police Station Badhra. His criminal appeal against conviction and sentence is pending in this Court.

The prayer of the petitioner has been declined vide impugned order only on the ground that the report of Superintendent of Police and local police is that if the petitioner released on parole he may abscond and do any heinous crime

On notice, a reply dated 05.07.2018 has been filed by the State in the Court today and the same is taken on record. As per reply, the petitioner has availed furlough earlier for one time from 18.10.2017 to 09.11.2017 and has surrendered as well. The petitioner has undergone 04

years, 01 month and 19 days of imprisonment including undertrial period of 02 years, 08 months and 04 days as on 24.06.2018.

Heard learned counsel for the parties.,

Once the petitioner has earlier availed furlough and surrendered before the jail, there is no apprehension that he will abscond and do any heinous crime. His case falls under Section 3 (c) of The Haryana Good Conduct Prisoner's Temporary Release Act, 1988, which reads as under:-

“3.(c) the temporary release of the prisoner is necessary for sloughing, sowing or harvesting or carrying on any other agricultural operation on his land or his father’s undivided land actually in possession of the prisoner; or “

In view of the above factual position, the present petition is allowed and order dated 08.05.2018 is set aside and the petitioner on his furnishing personal bond and surety bonds to the satisfaction of the District Magistrate, Bhiwani/Competent Authority shall be released on parole for a period of four weeks to be counted from the date of his release. The petitioner shall surrender before the jail authorities after expiry of the period of parole. He shall not commit any offence during the period of parole and shall avail the parole only for the afore-stated purpose.

06.07.2018

G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No