

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15215 of 2018
Date of Decision:04.07.2018

Manjeet

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Susheel Gautam, Advocate, for the petitioner.

Mr.Hitesh Pandit, Addl.A.G.Haryana.

RITU BAHRI, J. (ORAL)

The petitioner has come up in writ petition for issuance of an appropriate writ especially in the nature of certiorari for setting aside the impugned order dated 08.05.2018 passed by the Commissioner, Karnal Division, District Karnal (Annexure P-1) wherein, grant of emergency parole for agriculture purpose for six weeks has been denied.

A perusal of the order (Annexure P-1) shows that petitioner had been released on parole for four weeks on 19.03.2010 and he had to return the District Jail on 17.04.2010 but prisoner returned to District Jail, Karnal while giving stern warning awarded punishment not to give parole for six months. After that, prisoner was released for 2 weeks parole on 23.03.2012. The petitioner has to return to jail on 07.04.2012 but he remained absent for 1 year 10 months and 20 days. As a result case No.38 dated 27.04.2012 for the offence under Sections 8/9 Prisoner Act was registered in PS Muhana and prisoner was arrested and sent to jail. In this backdrop parole of the prisoner was not recommended as the petitioner may jump parole after coming out on parole.

On notice, reply has been filed in Court today wherein, in paragraph-5, the abovesaid facts have been admitted. However, in paragraph-5, it has been admitted that petitioner has availed five parole/furlough from period 26.04.2016 to 15.11.2017. Since, after availing

the parole in 2012, he has already availed 5 parole in the year 2016-17 as such, the present writ petition deserves to be allowed.

In view of the above, Order Annexure P-1 is set aside as petitioner is entitled to for grant of parole for agriculture purpose for six weeks in view of Section 3(1)(C) of the Haryana Good Conduct Prisoners, Temporary Release Act, 1988. Respondents are directed to release the petitioner on parole for agriculture purpose for six weeks in view of the abovesaid Act.

The writ petition is disposed of accordingly.

(RITU BAHRI)
JUDGE

04.07.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No