

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

**CWP-15231-2018 (O&M)
Date of decision:06.12.2018**

Ishwar Singh

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Sushil Gautam, Advocate
for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

Kuldip Singh, J. (Oral)

Petitioner seeks quashing of order dated 15.05.2018, passed by the Commissioner, Karnal Division, District Karnal (Annexure P-1), vide which, prayer for parole for four weeks for house repair was declined.

Petitioner was sentenced to life imprisonment under Sections 302 read with Section 34 IPC and is undergoing the sentence. He has undergone actual sentence for 03 years, 10 months & 27 days as on 01.11.2018. He applied for parole for house repair. The District Magistrate, Panipat, mentioned that there is a possibility of breach of peace if prisoner comes out on parole and any type of untoward incident may take place. Accordingly, Commissioner, Karnal Division, Karnal, while accepting the recommendation, declined the parole.

I am of the view that admittedly, if there is a possibility of breach

of peace, prisoner cannot be released on parole. However, in this case except the report of the District Magistrate, Panipat, which is probably based on the report of SHO, PS Israna, District Panipat, there is no material evidence to show that the convict has committed any offence in the jail. Therefore, the ground that there is a possibility of breach of peace is an imaginary ground without any supporting material. It cannot be presumed that if petitioner comes out, there is a possibility of untoward incident.

It being so, impugned order dated 15.05.2018 (Annexure P-1), passed by the Commissioner, Karnal Division, District Karnal, is hereby quashed with direction to the State to verify whether the house of the petitioner requires repair and thereafter Commissioner, Karnal Division, Karnal, is directed to pass fresh order within three weeks.

Accordingly, petition is allowed in the light of above observations.

(KULDIP SINGH)
JUDGE

06.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No