IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15381 of 2018
Date of Decision: 17.07.2018

Amit Kumar ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ravinder Bangar, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

Ms. Shifali Goyal, Advocate,
for Mr. Varun Issar, Advocate,
for respondent No.5.

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RAJIV NARAIN RAINA, J.(Oral)

1. Ms. Goyal has filed a short reply by way of affidavit of Vivek Sangwan, Deputy Superintendent, District Jail, Yamuna Nagar.

2. The petitioner is serving life sentence for the offence of murder tried and convicted by the Army authorities under Army law. The petitioner applied for parole for planting *Bajra* on his land. No order was passed on the application till the petitioner approached this Court.

3. When the matter came up on July 04, 2018 the Court passed the following order:-

"Reply has been filed on behalf of respondents No.1 to 4 is Court, which is taken on record. Copy supplied.

Heard.

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> *The petitioner will make a comprehensive application for seeking parole/furlough for planting Bajra on his land and present the same before the Superintendent, District Jail, Yamuna Nagar by 07.07.2018, who will pass appropriate orders on such application after verifying the report of the Gram Panchayat, Kukrola (Panchgaon), Tehsil Manesar, Gurugram and after confirming whether the petitioner is a permanent resident of Village Kukrola by birth and has 1 ½ acre of land at Village Jadbhal. In case, it is found that it is a suitable case for grant of parole/furlough, appropriate orders be passed by the competent authority as deemed fit without awaiting any further directions from this court.*
>
> *List again on 13.07.2018."*

4. In response thereto, the present reply has been filed. This was necessitated in the background of the submission made by Ms. Goyal that verification report was awaited from the revenue authorities. In the present affidavit dated July 12, 2018 the position explained is the same. It is averred that action on the request for agricultural parole will be considered after receiving the verification reports. To await the verification report any further will defeat the very purpose for which the parole is sought for planting *Bajra* in the fields of the petitioner which plantation work is stated to be still in progress and will be over soon, rendering the request infructutous.

5. In any case, the police has sufficient wherewithal at its command to remain vigilant while the petitioner is on parole by keeping an eye on him.

6. In view of the above, the petition is allowed. The impugned order is quashed. The petitioner is granted parole of six weeks from the date of release to the satisfaction of the jail authorities at Yamuna Nagar/District

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Magistrate at Yamuna Nagar on furnishing personal bonds/surety, if not already furnished.

7. At the end of the parole period, the petitioner will surrender before the jail authorities on the date and time fixed by the jail Superintendent.

(RAJIV NARAIN RAINA)
JUDGE

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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