

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

CWP No.18495 of 2018
Date of Decision:10.09.2018

Anil Solanki

. Petitioner

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

Mr.Rahul Mohan, DAG, Punjab.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for a writ in the nature of mandamus seeking a direction to the respondents to release him on parole for six weeks for agricultural purpose.

The petitioner is a life convict, who is presently lodged in Central Jail, Ambala. He had applied for grant of six weeks parole for agricultural purpose in terms of Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 [for short 'the Act']. Since the application of the petitioner was not decided, therefore, he has approached this Court.

In the reply, the respondents have averred that the petitioner did not qualify to be released on parole for agricultural purpose because the land is on lease and not owned by him. In this regard, a reference is made to Section 3(1)(c) of the Act, which read as under: -

*“the temporary release of the prisoner is
necessary for ploughing, 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."

Learned counsel for the petitioner has relied upon two decisions of this Court rendered in the cases of ***"Kashmir @ Motu Vs. State of Haryana and another"*** 2001(1) RCR (Criminal) 616 and ***"Baldev Singh Vs. State of Haryana"*** 2000(2) RCR (Criminal) 144.

No precedent to the contrary has been cited by the counsel for the respondents.

I have heard learned counsel for the parties and perused the record.

It has been held in the cases of ***Kashmir @ Motu (Supra)*** and ***Baldev Singh (Supra)*** that merely the fact that the land is not owned but is in possession of the petitioner on lease would not be a reason to deny parole for agricultural purpose.

Relying upon the aforesaid decisions, I find merit in the case of the petitioner and hence, the present petition is hereby allowed. The petitioner is ordered to be released on agricultural parole for a period of four weeks on his furnishing sufficient surety to the satisfaction of the District Magistrate, Ambala, who is further directed to impose such conditions as required to secure the presence of the petitioner in the jail after the period of parole is over.

(RAKESH KUMAR JAIN)
JUDGE

10.09.2018
Vivek

Whether speaking /reasoned : Yes/No
Whether Reportable : Yes/No