

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 18588 -2018 (O&M)
Date of decision: 05.12.2018

Sahab Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Ms.Kamlesh, Advocate for
Mr.Parminder Singh, Advocate for the petitioner
Mr.Nischal Mann, DAG Haryana

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Petitioner has invoked the writ jurisdiction of this Court under Articles 226/227 of Constitution of India for issuing the writ in the nature of certiorari quashing impugned order dated 26.6.2018 endorsed on 27.6.2018 (Annexure P-2), passed by respondent No.2 whereby the application of the petitioner for parole has been rejected. Further mandamus has been sought for grant of four weeks parole in terms of Section 4 of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988

Petitioner was convicted in FIR No.423 dated 11.8.1996 registered at Police Station Sadar Karnal under Section 302 read with Section 34 IPC and sentenced to imprisonment for life vide judgment of conviction and order of sentence dated 27.7.2002 passed by learned Additional Sessions Judge, Karnal. Petitioner claims that he has been released on parole for agricultural purposes from time to time and he was

granted parole for almost 20 times and he surrendered within time. Said fact is not denied in written reply. In the written reply, the respondents have opposed the grant of parole on the ground that there is apprehension of breach of peace in the village.

I have heard learned counsel for the parties and have also carefully gone through the file.

I have gone through the impugned order dated 26.6.2018 endorsed on 27.6.2018 (Annexure P-2) passed by respondent No.2. Parole has been rejected on the ground that “possibility may not be ruled out in case the convict is released on parole and there would be apprehension of breach of peace of village in case the convict come to the village”.

I am of the view that this is an imaginary ground. The order is passed on surmises and conjectures. Petitioner was earlier granted parole for 20 times. No offence is alleged to have been committed by the petitioner while on parole.

It being so, there is no ground to decline parole to the petitioner on the ground apprehending that possibility of breach of peace cannot be ruled out. As such, impugned order dated 26.6.2018 endorsed on 27.6.2018 (Annexure P-2), passed by respondent No.2 is hereby quashed. Petitioner is ordered to be released on parole for a period of four weeks to look after his land subject to furnishing surety to the satisfaction of District Magistrate concerned. After the expiry of the said period, the petitioner shall surrender at the jail gate.

Petition is allowed accordingly.

05.12.2018

gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes

Whether Reportable:

No