

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

**CWP-19284-2018 (O&M)
Date of decision : 1.11.2018**

Rajbir **Petitioner.**

Versus

State of Haryana and others **Respondents.**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Written statement of Deputy Superintendent, District Jail, Jhajjar dated 4.10.2018 filed in Court today is taken on record.

Heard.

Petitioner seeks directions to respondents to release the petitioner on parole for a period of six weeks under Section 3(1) (C) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for the purpose of agricultural operations.

It comes out that petitioner was convicted under Section 302/34 of the Indian Penal Code .

Learned counsel for the petitioner contends that petitioner earlier availed 12 days parole on medical grounds from 6.8.2016 to 17.8.2016 and reported in time.

Parole application filed before the Commissioner, Rohtak Circle, Rohtak was declined on 21.6.2018 (Annexure P-2) on the ground that five complaint cases i.e., two cases under Sections 420, 468, 461, 506 IPC, registered at P.S. Bahadurgarh; two complaint cases under Section 156 (3) registered at Police Line Paar Bahadurgarh and under Section 138 of the Negotiable Instruments Act, 1881, registered at Police Station Nangloi and an FIR under Section 42 of the Prisons Act, registered at Police Station Jhajjar were filed against the petitioner.

Learned counsel for the petitioner contends that petitioner has been acquitted in all those cases. Learned State counsel does not dispute the said fact.

I am of the view that merely on the basis of filing of complaint cases, parole could not be declined.

Considering that petitioner has earlier not misused the parole, present application is allowed and the order dated 21.6.2018 passed by Commissioner, Rohtak Circle, Rohtak (Annexure P-2) is quashed.

Respondents are directed to release the petitioner on parole for a period of six weeks for the purpose of agricultural operations on furnishing of adequate security to the satisfaction of Commissioner, Jhajjar.

(KULDIP SINGH)
JUDGE

1.11.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No