

265
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 15:48
I attest to the accuracy and
authenticity of this document

CWP-20291-2018 (O/M)
Date of decision : 27.11.2018

Pala Ram Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Kamlesh, Advocate, for,
Mr. Parminder Singh, Advocate,
for petitioner.

Mr. Nishehal Mann, DAG Haryana.

-.-

-.-

KULDIP SINGH, J. (ORAL)

Heard.

Petitioner, who is convicted for offences under Section 302 read with Section 34 IPC and under Section 25 of Arms Act, 1959, and undergoing life imprisonment, has challenged impugned order dated 30.6.2018 (Annexure-P-2), whereby his application for grant of agriculture parole, has been declined by Divisional Commissioner, Karnal Division, Karnal, (respondent No. 2).

The State has already filed reply.

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

The agriculture parole of petitioner has been declined on the ground that apprehension of breach of peace in society cannot be ruled out. Same ground is taken by State in reply.

I am of the view that District Magistrate, Karnal, and Superintendent of Police, Karnal, made recommendation merely on the apprehension that there is danger of breach of peace in society. Further, it is

not supported by any material that while on parole, petitioner will abscond and he will commit breach of peace in society. Therefore, this is just apprehension in the mind of concerned authority without any tangible evidence.

In view of matter, impugned order dated 30.6.2018 (Annexure-P-2), passed by respondent No. 2 is hereby quashed. Respondents are directed to release petitioner on agriculture parole for four weeks subject to his furnishing surety to the satisfaction of District Magistrate, Karnal. Petition is thus allowed.

(KULDIP SINGH)
JUDGE

27.11.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No