

AT CHANDIGARH

CWP No.22555 of 2018

Date of Decision:08.10 .2018.

Deepak

...Petitioner

Versus

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. (ORAL)

The petitioner is a life convict who is presently lodged in Bhondsi Jail, District Gurugram. He has prayed for his temporary release on parole for agriculture purpose. His prayer is opposed by the respondents on the ground that since he is facing trial in FIR No.295 of 2017 registered under Section 42-A of the Prisons Act, 1894 at Police Station Bhondsi, District Gurugram for possessing mobile phone in jail premises, therefore, he has been kept in the category of hardcore prisoner in terms of Section 2(aa)(iv) of the Haryana Good Conduct Prisoners(Temporary Release) Act, 1988.

Learned counsel for the petitioner has relied upon a decision rendered by the Division Bench of this Court in CRWP No.1374 of 2017 titled as “**Gurdeep Singh vs. State of Haryana and others**” decided on 07.12.2017 to contend that there is no allegation against the petitioner of

misusing the mobile phone i.e. for committing any professional crime like demand of ransom, kidnapping etc. etc..

After hearing learned counsel for the parties and keeping in view the aforesaid facts and circumstances, the present petition is hereby allowed and the petitioner is ordered to be released on parole for a period of 4 weeks for the agriculture purpose. He would furnish adequate surety to the District Magistrate, Gurugram who would also impose necessary conditions to ensure his return to the jail after the completion of the parole period.

(RAKESH KUMAR JAIN)
JUDGE

October 08, 2018

Jyoti-IV

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