

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.22722 of 2018

Date of decision: September 25, 2018

Vikas

...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 Haryana.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking a direction to release the petitioner on parole for agricultural purpose. The petitioner has filed application to the Superintendent of Jail. The respondents have averred in the reply that the case of the petitioner has been referred to the District Magistrate but so far the decision has not been taken in this regard.

Counsel for the petitioner has referred to Rule 3(2) of the Haryana Good Conduct (Temporary Release) Rules, 2007 which says that the Superintendent of Jail shall forward the application alongwith his report to the District Magistrate who shall forward the case with his recommendations to the Director General for grant of parole or otherwise. In the Rules, "Director General" means Director General of Prisons, Haryana. However, the said authority has been delegated, by way of a notification to the Commissioner of the Division. The Haryana Government has also issued instructions to the Superintendents to forward the parole cases to the concerned District

Magistrate who would recommend the same to the Divisional Commissioner to

take decision on the application for seeking parole. Since the Superintendent is only the reporting Officer and the ultimate decision is to be taken by the Commissioner of Division on the recommendation of District Magistrate, who is seized of the report of the Superintendent of Jail and has to make recommendations either positive or negative, is hereby directed to make the recommendations within a period of seven days after the receipt of certified copy of this order, to the competent authority i.e. Commissioner of the Division, who is further directed to take a decision within next seven days thereafter.

The petition stands disposed of.

September 25, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No