

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

CWP No. 23142 of 2018
Date of Decision: 12.09.2018

RAJIV @ MAKHA

... Petitioner

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Ms. Sanjeev Kodan, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 20.08.2018 (Annexure P-2) passed by the Commissioner, Rohtak Division, Rohtak declining the prayer made by the petitioner for his release on parole.

In brief, the petitioner is presently lodged in District Jail, Jhajjar, suffering life sentence for the offence committed under Section 148, 149, 302, 120-B and 201 of the Indian Penal Code, 1860 and Section 25/27 of the Arms Act, 1959. The petitioner has applied for six weeks' parole under the provisions of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for agricultural purposes. His application was forwarded by the Superintendent, District Jail, Jhajjar to the Commissioner, Rohtak Division, Rohtak. Thereafter, the Commissioner, after obtaining the report from the District Magistrate, Jhajjar and the Superintendent of Police, Jhajjar has declined the case of the petitioner on the ground that *"there is a threat to the Village Machhroli and his family from the prisoner, in this regard the village Sarpanch of Village Machhroli and his family has been provided security by the Police."*

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Learned counsel for the petitioner has submitted that there is no one else in the family of the petitioner to look after the agricultural pursuits.

I have heard learned counsel for the petitioner and after taking into consideration the aforesaid facts and circumstances, am of the considered opinion there is no merit in the case because as per Section 6 of the Act, the prayer made for release on parole can be declined in a case of threat to the public peace. In this case, already security is provided to the family of the Sarpanch who have strong apprehension that the petitioner, if released, on parole, may further commit the crime.

In view of the above, I do not find any merit in the present petition and the same is hereby dismissed, though without any order as to costs.

September 12, 2018

Ess Kay

**[RAKESH KUMAR JAIN]
JUDGE*****Whether speaking / reasoned :***

✓

Yes / No***Whether Reportable :******Yes / No***