

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

CWP-23296-2018 (O&M)

Date of decision : 10.12.2018

Partap

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Krishan Singh, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, 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)

This is a petition filed under Articles 226/227 of the Constitution of India seeking parole of the present petitioner for six weeks for agriculture purpose under Section 3(1) (C) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short 'the Act') and further quashing the order dated 1.8.2018 (Annexure P-1), passed by Commissioner, Rohtak Division, Rohtak.

Learned counsel for the petitioner contends that earlier application filed by the petitioner seeking parole was rejected by Commissioner, Rohtak Division, Rohtak vide order dated 1.8.2018 (Annexure P-1) on the ground that if the petitioner is released on parole, he may abscond and may not surrender in jail in time. It is further mentioned in the order that petitioner have contacts with the habitual criminals and his parole application was also not recommended by the District Magistrate, Rohtak and Superintendent of Police, District Jail, Rohtak.

State in its reply has taken the same stand.

I am of the view that the ground taken in the aforesaid impugned order dated 1.8.2018 (Annexure P-1) that the petitioner may abscond and may not surrender in jail is without any basis and reasoning. It is just an imaginary ground. Petitioner was convicted under the NDPS Act and is undergoing sentence for 10 years. It is not reported that the conduct of the petitioner in jail is not good. It is further not alleged in the reply that there are other cases registered against the present petitioner and he is habitual criminal.

It being so, I am of the view that the grounds taken in the impugned order dated 1.8.2018 (Annexure P-1), passed by Commissioner, Rohtak Divion, Rohtak are imaginary and the said order is hereby quashed. Petitioner is ordered to be released on agricultural parole for six weeks under Section 3(1) (C) of the Act on furnishing adequate surety to the satisfaction of District Magistrate concerned.

Allowed in the above noted terms.

(KULDIP SINGH)
JUDGE

10.12.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No