

251
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2018 13:24
I attest to the accuracy and
authenticity of this document

CWP-24846-2018 (O/M)
Date of decision : 21.11.2018

Karambir Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Dhull, Advocate,
for petitioner.

Mr. Sandeep Vashisht, DAG Haryana.

-.-

-.-

KULDIP SINGH, J. (ORAL)

Short reply by way of affidavit of Sewa Singh, Deputy Superintendent, District Jail, Rohtak, on behalf of respondents No. 1 to 4, filed in Court today and same is taken on record.

Petitioner, who is undergoing rigorous imprisonment for 10 years for offence under Section 304 B IPC, had applied for agriculture parole under Sections 3 (1) (c) and 3 (2) (c) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. His request for same has been declined by Commissioner, Rohtak Division, Rohtak, vide order dated 10.9.2018 (Annexure-P-1), on the ground that he has already availed agriculture parole from 23.4.2018 to 19.5.2018 i.e. 25 days and there is no justification for grant of parole for same purpose after 3 months.

In reply, respondents have taken stand that petitioner is entitled to six weeks parole in a calendar year. The State has also taken stand that as per proviso to Section 3 (2) (c) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, parole can be granted more than once during year, however, same shall not exceed six weeks i.e. 42 days.

Admittedly, petitioner had applied first parole for agriculture purpose. He had applied for second parole for same purpose. Superintendent of Police, Jhajjar, has no objection, if petitioner is released on parole for performing agriculture work.

In view of matter, impugned order dated 10.9.2018 (Annexure-P-1), passed by Commissioner, Rohtak Division, Rohtak, is set aside. Petitioner is ordered to be released on agriculture parole for remaining 17 days on his furnishing surety bond to the satisfaction of District Magistrate, Jhajjar. Petitioner is thus allowed.

(KULDIP SINGH)
JUDGE

21.11.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No