

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

CWP-25077-2018 (O&M)

Date of decision : 20.12.2018

Ramesh

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. H.S. Jaswal, Advocate for the petitioner.

Mr. Sandeep Vashisht, DAG, 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)

Heard.

Petitioner seeks quashing of the impugned the order dated 28.8.2018 (Annexure P-3), passed by respondent No. 2-The Commissioner, Karnal Division Karnal vide which claim of the petitioner for grant of agricultural parole has been rejected under Section 3(1) (c) of the Haryana Good Conduct Prisoners (Temporary Release), Act, 1988.

It comes out that petitioner is undergoing life imprisonment along with fine under Section 302 read with Section 34 of the Indian Penal Code vide judgment of conviction and order of sentence dated 14/16.8.2002 in case FIR No. 56 dated 26.3.1998 under Sections 148/324/307/302 of the Indian Penal Code registered at Police Station Dhand, District Kaithal by learned Additional Sessions Judge, Kaithal.

Petitioner applied for parole but the same has been declined vide order dated 24.8.2018, passed by Divisional Commissioner, Karnal Division, Karnal (Annexur P-3). A perusal of the order dated 28.8.2018 (Annexure P-3) shows that parole has been rejected on the ground that petitioner while on bail had committed an offence in District Panchkula and for that reason FIR No. 68 dated 6.3.2014 for the offences under Section 120-B/420/405/407/182/105/211 and 388 of the Indian Penal Code has been registered at Police Station Chandi Mandir, Panchkula which is pending trial in the Court. Therefore, considering the criminal history of the petitioner as reported by District Magistrate, Kaithal and Superintendent, District Jail, Kaithal, parole was declined.

State in its reply dated 29.10.2018 has reiterated the plea taken in the impugned order dated 28.8.2018 (Annexure P-3).

Report filed by the District Magistrate, Karnal dated 11.5.2018 (Annexure P-2), shows that convict does not fall in the category of hard core prisoner under sub Section (aa) of Section 2 of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013. It was further reported that convict has undergone more than 07 years in jail.

I am of the view that petitioner has already availed parole/furlough for 18 times and surrendered back in jail in time. He did not commit any crime while on parole.

It being so, there is no ground to hold that because of the criminal history, agricultural parole applied by the petitioner this time is to be rejected.

In view of above, present petition is allowed and the impugned order dated 28.8.2018 (Annexure P-3), passed by respondent No. 2-Commissioner, Karnal Division Karnal, is set aside. Petitioner is ordered to be released on agricultural parole for six weeks under the Act on furnishing adequate surety bonds to the satisfaction of the District Magistrate concerned.

Petition stands allowed.

(KULDIP SINGH)
JUDGE

20.12.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No