

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

**CWP-25263-2018 (O&M)
Date of decision:30.11.2018**

Hem Raj

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Nishehal Mann, DAG, Haryana.

Kuldip Singh, J. (Oral)

Petitioner has challenged the order dated 06.07.2018 ordered on 17.07.2018 (Annexure P-2), passed by the Commissioner, Rohtak Circle, vide which, his case for release on parole for agriculture operations, was declined.

Petitioner seeks quashing of the said order and seeks direction for releasing him on agriculture parole for six weeks under Section 3(1)(c) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Written statement of Anil Kumar, Deputy Superintendent, District Prison, Jhajjar on behalf of respondents No.1 to 3 along with Annexures R-1 & R-1/T has been filed and the same is taken on record.

I have heard learned counsel for the parties and carefully gone

through the record.

Admittedly, the petitioner was convicted for the offence under Sections 393, 398, 307, 34 IPC & Sections 25/27 A of the Arms Act. Previously, the petitioner was released on parole on various occasions. It also comes out that when he was released on probation on 10.10.2000 and he was directed to surrender within time frame, but he remained absent for 13 years, 07 months & 08 days. He was later on arrested by the police on 30.06.2014 and a criminal case was registered against him under Sections 8 & 9 of the Parole Act and was sentenced to undergo rigorous imprisonment for six months. It is also not in dispute that thereafter, the petitioner has been twice released on parole from 01.12.2016 to 30.12.2016 and 10.03.2017 to 22.04.2017 for the period of four weeks and six weeks respectively. The petitioner surrendered before the jail authorities within time. Now this Court is to see whether any ground arise for the release of the petitioner on parole after two occasions given above. Perusal of the impugned order shows that the Commissioner Rohtak Circle has taken into consideration the case registered under Section 8 & 9 of the Parole Act that he previously remained absconded for 13 years, 07 months & 08 days for committing the offence that he has already sentenced. Now on the basis of same offence, he cannot be convicted twice. He has already availed the parole after surrendering before the jail authorities after jumping the parole and now the old reason cannot be taken into consideration to decline the parole.

It being so, the impugned order dated 06.07.2018 ordered on

17.07.2018 (Annexure P-2) is quashed. Petitioner is ordered to be released on parole for a period of six weeks for agriculture operation, subject to furnishing adequate surety to the satisfaction of District Magistrate concerned.

Accordingly, the petition is allowed.

(KULDIP SINGH)
JUDGE

30.11.2018
anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	No