

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

CWP-27773-2018 (O&M)

Date of decision:07.12.2018

Parveen @ Bablu

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

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

Mr. Nishchal Mann, DAG, Haryana.

Kuldeep Singh, J. (Oral)

Petitioner has filed this petition under Article 226 of Constitution of India for issuance of writ of certiorari for quashing the order dated 21.06.2018 (Annexure P-2), passed by Commissioner, Rohtak Circle, Rohtak, vide which the Temporary Release on parole for agriculture purpose, was declined on the ground that he is a habitual offender.

Petitioner was convicted in FIR No.110 of 2006 under Sections 120-B, 216, 302, 34 IPC and Section 25 of Arms Act and is currently undergoing imprisonment for life. Petitioner sought agriculture parole and his case was recommended by the Superintendent of the Police, Jhajjar as well as District Magistrate, Jhajjar, but the Commissioner, Rohtak Circle, Rohtak after considering the report of the Superintendent, District Jail, declined parole.

The reply of the state has been obtained in which the State has

given the list of five cases registered against the petitioner which shows that in three cases petitioner has been acquitted, in one case he has been convicted under Section 379 IPC. The stand has been taken that the convict is a habitual offender and he committed the crime while on parole. Further stand has been taken that the furlough case of the petitioner has again been initiated on his request and the matter is pending before the District Magistrate, Jhajjar.

I have heard learned counsel for the parties and perused the file carefully.

The parole of the petitioner has been declined on the ground of registration of some FIRs stating that he is a habitual offender. The reply shows that in trial cases, he has already been acquitted and in one case, he has been convicted under Section 379 IPC that would show that he cannot be termed as habitual criminal. The mere pendency of the furlough case is no ground to decline the parole in the present case. In this case, the Superintendent of Police after examining the background of the petitioner recommended his case and the District Magistrate agree with the same. Therefore there is no ground to discard the report of the Superintendent of Police and District Magistrate, concerned. The fact that the furlough case of the petitioner has been initiated further going to show that his conduct in the jail is good and he is entitled to furlough on account of his good conduct.

It being so, in the impugned order dated 21.06.2018 (Annexure P-2), passed by the Commissioner, Rohtak Circle, Rohtak, does not sustain in the eyes of law and is hereby quashed . Petitioner be released on parole for

four weeks on his furnishing surety bonds to the satisfaction of District
Magistrate, concerned.

Accordingly, the petition is allowed.

(KULDIP SINGH)
JUDGE

07.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No