

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

CWP-27953-2018 (O&M)

Date of decision : 18.12.2018

Manoj Kumar

..... Petitioner

Versus

State of Haryana and ors

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Mansi Bansal, Advocate for the petitioner.

Mr. Sandeep Vashisth, 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.

It comes out that the petitioner was convicted under Section 302 of the Indian Penal Code and under Section 27 of the Arms Act in case FIR No. 38 dated 15.4.2012, registered at Police station Titram District Kaithal and sentenced to undergo life imprisonment vide judgment of conviction and order of sentence dated 10.2.2014, passed by learned Additional Sessions Judge, Kaithal. Against the said judgment of conviction and order of sentence, appeal i.e. CRA-D-1554-DFB-2014, titled as Manoj vs. State of Haryana, filed by the petitioner is pending before this Court.

Petitioner has impugned the order dated 13.7.2017, passed by Commissioner Karnal Division (Annexure P-1) vide which parole application has been declined on the ground that convict is a habitual offender. He is having old enmity dispute with Mukesh Tiwari in the police station area. Convict on release may again indulge in dispute. Further ground is that if he is released on parole, he will not live peacefully.

State in its reply filed on 17.11.2018 has reiterated the grounds mentioned in the impugned order dated 13.7.2017 (Annexure P-1). However, in *para No. 7 and 8* of the preliminary submissions, it is admitted that the petitioner was released on furlough from 28.3.2018 to 12.4.2018 on the ground of child admission; from 19.6.2018 to 5.7.2018. Both the time of availing of furlough, he surrendered on time without committing any offence.

It is on the third occasion, State cannot take the ground that peace will be disturbed and he will indulge in some crime against Mukesh Tiwari of the police station area.

It being so, present petition is allowed and the impugned order dated 13.7.2017, passed by Commissioner Karnal Division (Annexure P-1) is set aside. Petitioner is ordered to be released on parole for four weeks for agricultural purpose on his furnishing surety bonds before the District Magistrate concerned.

Petition stands allowed.

(KULDIP SINGH)
JUDGE

18.12.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No