

CWP-28146-2018 (O/M)

Date of decision : 1.11.2018

Sito Kaur

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. N.S. Parmar, Advocate, for,
Mr. S.K. Nehra, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Heard. Notice of motion.

On behalf of State, Mr. Sandeep Vashisht, DAG Haryana,
accepts notice.

The grouse of petitioner is that her husband and son were ordered to be released on parole by Commissioner, Hisar Division, Hisar (respondent No. 2 herein), vide order dated 16.7.2018 (Annexure-P-1 Colly.). In said order, they were directed to furnish surety to the satisfaction of the releasing authority i.e. District Magistrate, Sirsa, as per provisions of Rule 11 (2) (a) of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007. However, in the endorsement, a condition has been put that bail guarantors should be Government Servant/Income Tax Payer/ Panch/Sarpanch or Elected Local Bodies Members.

I am of the view that said condition in the endorsement of impugned order is illegal. It is discretion of the releasing authority i.e. District Magistrate, Sirsa, as to whether surety is as per terms of order. Therefore, the conditions put in the acknowledgment of impugned order are illegal and same are hereby quashed. The District Magistrate, Sirsa, is directed to accept surety in terms of impugned order to his discretion.

Disposed of.

(KULDIP SINGH)
JUDGE

1.11.2018

sjks

Whether speaking order	:	Yes	/	No
Whether reportable	:	Yes	/	No