

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28533-2018 (O&M)
Date of decision:05.12.2018

Ravi

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. R.S. Dhull, Advocate
for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

Kuldip Singh, J. (Oral)

Short reply by way of affidavit of Sewa Singh, Deputy Superintendent, District Jail, Rohtak on behalf of respondents No.1, 2 & 4 along with Annexures R-1 & R-2 has been filed in the Court today is taken on record.

Petitioner seeks mandamus for releasing him on parole for the purpose of house repair after quashing the speaking order dated 03.10.2018, passed by respondent No.2 i.e. Commissioner, Rohtak Division, Rohtak (Annexure P-1), vide which, the said parole under Section 3 sub Sections (1)(d) and Section 2(d) of the Haryana Good Conduct Prisoners (Temporary Release) act, 1988, was declined.

As per reply filed by the State, it is admitted that District Magistrate, Faridabad had recommended parole of the convict stating that

house of the convict needs repair and during the last parole, his conduct was good. However Commissioner, Rohtak Division, Rohtak declined his parole on the ground that many other FIRs are pending against the petitioner. The perusal of the impugned order shows that in the other FIRs, petitioner is on bail in two cases and in other eight cases, he has already been acquitted. Therefore, the acquitted cases cannot be read against the petitioner and in the other two cases which are under Indian Penal Code, the verdict of the Court is yet to come. His conduct during previous parole was good. There is no reason to disagree with the recommendation of the District Magistrate, Faridabad. As such impugned order dated 03.10.2018, passed by Commissioner, Rohtak Division, Rohtak (Annexure P-1) is hereby quashed. The respondents are directed to release the petitioner on parole for the purpose of house repair for a period of four weeks on his furnishing adequate security to the satisfaction of District Magistrate, Faridabad.

Petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

05.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No