

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

**CWP-4519-2018 (O&M)
Date of decision:15.12.2018**

Hari Parkash alias Ballu

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

Kuldip Singh, J. (Oral)

The petitioner has impugned the order dated 26.09.2017 (Annexure P-4) passed by Commissioner, Gurugram Division, Gurugram, vide which his application for parole has been rejected.

Petitioner is undergoing rigorous imprisonment for 10 years in case FIR No.209 dated 03.05.2011 under Sections 392/397/307/420/120-B/412/34 IPC & 25 of Arms Act and imprisonment for life in murder case in case FIR No.901 dated 28.10.1999 under Sections 302 IPC & 25 of Arms Act, registered at Police Station City Gurgaon. Petitioner applied for agricultural parole under Section 3(1)(c) of the Haryana Good Conduct Prisoner's (Temporary Release) Act, 1988 for six weeks.

State has filed reply in which it is stated that the petitioner has undergone the total sentence of 18 years, 10 months & 10 days and actual

sentence 15 years, 03 months & 22 days. Plea has been taken that the petitioner twice jumped the parole, once for six months and six days when he was released on parole from 15.03.2004 to 13.04.2004 and second time he was released on 20.03.2009 for four weeks and he has to surrender on 18.04.2009, but he was admitted in jail on 07.01.2012 and remained absconded from parole for 02 years, 08 months & 13 days in the year 2012. It also comes out that for jumping the parole he was tried and sentenced.

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

Parole of the petitioner has been rejected on the ground that he had jumped the parole twice as stated above and that his father is having agriculture land, there are other family members who can cultivate the land. As per Haryana Good Conduct Prisoner's (Temporary Release) Act, 1988, if convict jumps the parole, he is held to be a hardcore criminal and not entitled for parole for next five years. Counsel for the petitioner states that since parole was jumped in the year 2012, as such the period of five years has already elapsed. Another ground in the impugned order is that there is an apprehension of breach of peace in the society. The said ground is without any basis as it will lie if the petitioner commit any offence during parole which disturb the peace of the society.

As such impugned order dated 26.09.2017 (Annexure P-4) passed by Commissioner, Gurugram Division, Gurugram, is hereby quashed. Commissioner, Gurugram Division, Gurugram, is directed to reconsider the observation made above and pass a fresh order within two weeks from the date of receipt of certified copy of this order.

Accordingly, the petition is disposed of.

(KULDIP SINGH)
JUDGE

15.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No