

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

CWP No.6757 of 2018

Date of Decision: 27.03.2018

Rajinder

....Petitioner

Versus

The Commissioner, Rohtak Division, Rohtak
and others

...Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. A.S. Trikha, Advocate
for the petitioner.

Mr. S.S. Mann, Sr. D.A.G., Haryana.

DAYA CHAUDHARY, J. (ORAL)

The petitioner has approached this Court for issuance of a direction to the respondents to allow him parole for a period of four weeks as his presence is required at the time of admission of his two children.

The petitioner is convict in case FIR No.179 dated 31.05.2003 registered under Sections 394, 397, 398, 302 IPC and Section 25 of the Arms Act at Police Station Gharaunda, District Karnal. He was convicted and sentenced to undergo life imprisonment by the Additional Sessions Judge, Karnal on 31.05.2003. The appeal against said judgment of conviction and order of sentence has also been dismissed by this Court.

Learned counsel for the petitioner submits that the petitioner is having two children, whose admission is required in the school. A representation to this effect was also made by the petitioner but no action has been taken thereupon so far.

Learned State counsel, on verification from the authority

concerned, submits that the name of one child of the petitioner was struck off from the school on 09.10.2016 as per certificate, which is annexed as Annexure P-3. It has been mentioned therein that the name of that child has not been registered again.

The petitioner is relying upon certificate dated 20.03.2017 issued by the Principal, wherein, nothing has been mentioned as to in which class, the children are to get admission.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file.

On perusal of report submitted by *Gram Panchayat*, which is annexed as Annexure P-4, it appears that the wife of the convict is illiterate and both the children are school going. The presence of the petitioner is necessary for admission of his children in the school in the next class.

On perusal of application submitted by wife of the petitioner, it appears that two children of the petitioner are undergoing study in the school and the presence of the petitioner is required at the time of their admission for arranging the amount as well as other expenses. Even on perusal of certificate issued by the Principal, it appears that the name of one child of the petitioner was struck off in the month of October, 2016. The claim of the petitioner has been recommended by the Sarpanch of the Village, wherein, it has been mentioned that there is no apprehension of any threat, in case, the petitioner is released on parole.

Learned State counsel has not brought to the notice of this Court as to whether any peace is going to be disturbed by releasing the petitioner on parole. Even in case, the name of child of the petitioner has been struck off in the year 2016, even then also, he can get admission again

in the school. Nothing has been pointed out as to whether the petitioner has ever misused the concession of parole/bail at any point of time.

Accordingly, this petition is allowed and the petitioner is directed to be released on parole for a period of two weeks for the purpose of admission of children, subject to satisfaction of the jail authorities. Petitioner is directed to surrender before the Jail Authorities after expiry of period of two weeks. The petitioner be allowed parole from the date from which he wants to proceed on parole during the period which is relevant for the purpose of admission.

27.03.2018

gurpreet

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No