

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

CWP No.7211 of 2018

Date of decision : 03.04.2018

Sarvar

.....Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Susheel Gautam, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A. G., Haryana.

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DAYA CHAUDHARY, J. (Oral)

The prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to grant emergency parole to the petitioner for a period of six weeks for agricultural work in view of provisions of Section 3 (1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (here-in-after referred as 'the Act'). A further prayer has also been made for issuing directions to respondents No.2 and 3 to decide the pending application of the petitioner for parole within some reasonable time.

Admittedly, the petitioner has moved an application for grant of parole for agricultural work before the jail authorities, which is stated to be pending before respondent No.3 - Commissioner Karnal Division, Karnal.

Petitioner is confined in District Jail, Karnal in case FIR No.269 dated 15.05.2007 under Sections 489-A/489-B/489-C/489-D IPC registered at Police Station City Karnal, Distt. Karnal.

Petitioner was convicted for said offences by the trial Court vide judgment dated 02.09.2009 and vide order dated 03.09.2009, he was sentenced to undergo rigorous imprisonment for seven years with fine. Petitioner filed appeal before this Court, which was also dismissed on 29.04.2015. Petitioner has undergone sentence of more than 04 years out of total 07 years. By mentioning that petitioner has wife, children and old aged parents and he is the only bread winner in the family for doing the agricultural work, he made a written request for grant of parole to harvest wheat crop vide dispatch No.1479-80 dated 29.01.2018. Earlier also, he was granted parole and that concession was not misused by him. The application moved by the petitioner has not been decided and same is still pending.

Learned counsel for the petitioner submits that petitioner would be satisfied in case directions are issued by this Court to respondent No.3 to take action on the pending application as no other male family member is there to take care of the crop.

As per provisions of Section 3 (1) (c) of the Act, the petitioner is entitled for grant of parole for ploughing, sowing and harvesting or carrying out any other agricultural operation on his land or his fathers undivided land, actually in possession of prisoner. The application of the petitioner for parole is still pending with respondent No.3 as no action has

been taken.

Accordingly, the present petition is disposed of with a direction to respondent No.3 to decide the pending application of the petitioner in accordance with law within a period of ten days from the date of receipt of certified copy of this order.

03.04.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No