

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 15.10.2019****CWP No.1118 of 2019**

Dharam Pal

...Petitioner

Vs.

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mrs. Sarla Chaudhary, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition has been filed by the petitioner for grant of parole for agricultural purposes. His request for parole has been declined by the Divisional Commissioner, Rohtak vide order dated 05.12.2018 (Annex P-1).
2. The petitioner is undergoing life imprisonment under Section 302, 148, 149, 332, 353, 120-B IPC in case FIR No.170 of 2011, registered at Police Station Sampla pursuant to the judgment of conviction and order of sentenced rendered by the Sessions Judge, Rohtak on 23.07.2014.
3. Reply on behalf of respondents has already been filed. Learned Law Officer on the basis of reply filed submits that the petitioner is a habitual offender and except the present case, numerous cases have been registered against him and that he is member of a gang and has enmity in the village. Thus, there is possibility that if the petitioner be released on parole, he may abscond and may be involved in some other offence.
4. Having heard learned counsel for the parties and after going through the case file carefully, I am of the view that this is not a case in

which parole should be denied to the petitioner. The parole can be granted for the agriculture purpose and to socialize the convict with his family members and the society. The only ground taken is that if the petitioner is released on parole, there is possibility that he may abscond and may be involved in some other offence. To allay the apprehension, adequate conditions can be imposed on him and his conduct can be kept under watch in case parole is granted. A certificate from Gram Panchayat Ismaila 11-B, District Rohtak is also annexed with the petition. The Gram Panchayat states that the petitioner has two minor children and there is no one to do the agriculture work. It has not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good.

5. Though a perusal of the reply filed by the respondents reveals that while on parole in case FIR No.339 dated 27.12.2002 under Sections 302, 148, 149 IPC, Police Station Sampla, District Rohtak, the petitioner had committed another murder as a result of which FIR No.170 dated 18.04.2011 has been registered against him, wherein he was convicted and sentenced, but after that six years have gone by and according to the definition of 'hardcore prisoner' ceases to apply to him with the passage of 5 years and in view of the instructions of the Haryana Government. Thus, my view is that the benefit of temporary release by way of parole is admissible.

6. In view thereof, the petition is allowed and the impugned order dated 05.12.2018 is set aside. Petitioner is ordered to be released on parole for six weeks w.e.f. 21.10.2019 onwards to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual toward the ends of securing the presence

of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

15.10.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*