

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

**CWP No. 1967 of 2019
Date of Decision: 04.09.2019**

Anil Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. P.K.Sehrawat, Advocate
for the petitioner.

Mr. Kapil Bansal, D.A.G. Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. Additional affidavit of the Deputy Superintendent, District Jail, Jhajjar filed by the State in Court today is taken on record. Copy thereof stands supplied to learned counsel for the petitioner. He has gone through the same.

2. Through this petition, the petitioner has sought a writ in the nature of certiorari for quashing the order dated 01.01.2019 (P-1) passed by respondent No.2 whereby benefit of parole to the petitioner has been denied so also it is prayed that a writ of mandamus be issued directing the respondents to grant the benefit of parole to the petitioner for a period of four weeks for agricultural purposes.

3. The petitioner was convicted and sentenced to undergo rigorous imprisonment for life under Sections 302, 34 IPC in case FIR No.374 dated 30.06.2014 registered at Police Station, Sadar Dadri.

4. Learned counsel for the petitioner submits that paddy season is in progress and there is no other male member in the family of the petitioner who can provide help for agricultural purposes. It is also apprised that

earlier the petitioner was granted the benefit of parole twice i.e. from 21.04.2017 to 03.06.2017 for agricultural purpose and from 16.10.2017 to 14.11.2017 for repairing of his house and he surrendered in time.

5. On the other hand, learned State counsel while opposing the prayer made by the learned counsel for the petitioner argues that the case of the petitioner has been rejected on the report made by the Superintendent of Police, Charkhi Dadri, The Superintendent of Police has reported that the petitioner is involved in another case and there are chances that he may abscond and commit crime and peace of the village may be disturbed if he is released on parole.

6. Perusal of the impugned order shows that the case of the petitioner has been recommended by the District Magistrate, Charkhi Dadri but the Commissioner, Rohtak Division, Rohtak rejected the request of the petitioner only on the basis of report of the Superintendent of Police, Charkhi Dadri. In reply also the grounds for rejection of request of the petitioner have been reiterated.

7. Having heard learned counsel for the parties, I am of the view that this is not a case in which parole should be denied to the petitioner for agricultural operations. The only ground taken is that the petitioner will again commit crime. The likelihood of committing a crime while on parole would not be a sufficient ground to decline temporary release on parole as mere likelihood of committing crime is not to be taken as apprehension of a threat to the security of the State or the maintenance of public order. Moreover, the District Magistrate, Charkhi Dadri has recommended the case of the petitioner. It is not disputed that the petitioner was earlier granted the benefit

of parole twice and he surrendered in time after availing the parole period. It is also not disputed that the conduct of the petitioner in jail is satisfactory and his reports are good.

8. In view of the above, the petition is allowed. The impugned order dated 01.01.2019 (P-1) is quashed. The petitioner is granted parole for four weeks from the date of release 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.

9. Ordered accordingly.

04.09.2019

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(RAJIV NARAIN RAINA)
JUDGE