

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

**CWP-2124-2019 (O&M)
Date of decision : 28.5.2019**

Lalit **Petitioner**
Versus
State of Haryana and others **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R. S. Dhull, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

KULDIP SINGH, J.

Heard.

Petitioner, who is undergoing life imprisonment in a murder case had applied for agricultural parole, which was declined vide the impugned order dated 26.12.2018 (Annexure P-1) passed by respondent No. 2-The Commissioner, Faridabad Division, Faridabad on the ground that a mobile phone was recovered from the petitioner regarding which an FIR No. 690 dated 26.12.2017 under Section 42-A of the Prisons Act, 1894 was registered at Police Station, Sadar Ballabgarh, Faridabad. Therefore, the petitioner is a hard core prisoner and has not completed five years of custody.

Reply by way of affidavit of Deepak Sharma, Superintendent, District Jail, Faridabad filed in Court today is taken on record.

Learned counsel for the petitioner has produced the copy of the judgment dated 1.3.2019, passed by Judicial Magistrate Ist Class, Faridabad which shows that the petitioner and his co-accused has been acquitted in the aforesaid FIR No. 690 dated 26.12.2017 granting them benefit of doubt. As such, ground of recovery of mobile phone is no more available. The second ground mentioned in the impugned order dated 26.12.2018 (Annexure P-1) is that the petitioner has surrendered late by three days on 30.5.2017 when he was released on furlough. For that he has completed the requisite period for which he cannot be released. There is no other ground for denying the parole.

As such, the impugned order dated 26.12.2018 (Annexure P-1) passed by respondent No. 2-The Commissioner, Faridabad Division Faridabad is set aside and the petitioner is ordered to be released on agricultural parole for a period of six weeks on his furnishing surety bonds to the satisfaction of District Magistrate, concerned.

Petition stands disposed of accordingly.

(KULDIP SINGH)
JUDGE

28.5.2019
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No