

CWP-4576-2019

[1]

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

**CWP No.4576 of 2019 (O&M)
Date of decision: March 11, 2019**

Ramesh @ Ajay

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Varinder Singh Rana, Advocate
for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to the respondents to release the petitioner on parole.

The petitioner is undergoing rigorous imprisonment for life in case FIR No.123 dated 30.4.2008 under Sections 302, 396, 397, 307 IPC and Section 25 of the Arms Act, Police Station Punhana, District Mewat after his conviction by the Additional Sessions Judge, Nuh.

The petitioner submitted an application to the Superintendent, District Jail, Faridabad for grant of parole to attend to his ailing wife but no decision has been taken on that.

Notice of motion was issued. In the reply filed by way of an affidavit of Deepak Sharma, Superintendent, District Jail, Faridabad, it is stated that on 9.7.2013, a mobile phone was recovered from the possession of the petitioner and a case under Section 42 of the Prisons Act was registered against him, wherein, the petitioner was

convicted by the Judicial Magistrate. However, on appeal, he stands acquitted by the Additional Sessions Judge, Faridabad. The reply further states that verification was got done from the Medical Officer of Jai Shri Bala Ji Medical Centre, Faridabad. He reported that Reena wife of the petitioner is presently admitted in Medical Centre and her condition is serious. The medical report is placed on record as Annexure R-1.

Learned counsel for the petitioner has submitted that on earlier occasion he had filed CWP No.8776 of 2018 seeking release on parole for performing his own marriage. The petition was allowed vide judgment and order dated 24.4.2018. He was directed to be released on parole for four weeks. He had availed the parole and surrendered on time. There is no complaint or allegation that he misused the concession of parole.

It is neither the case of the respondents nor it is stated that there is apprehension of a threat to the security of the State or maintenance of public order. The fact that the wife of the petitioner is admitted in hospital and is serious is not disputed by the respondents. Moreover, on earlier occasion also the petitioner had surrendered in time after expiry of the parole period.

Accordingly, this petition is allowed. The respondents are directed to release the petitioner on parole for a period of three weeks under Section 3(1)(a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of three weeks of his release.

March 11, 2019

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No