

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH****Date of decision: 13.09.2019****CWP No.5098 of 2019**

Sandeep

...Petitioner

Vs.

State of Haryana &amp; others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Sanjeev Majra, Advocate, for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

**RAJIV NARAIN RAINA, J. (ORAL)**

1. This petition has been filed challenging the order dated 17.01.2019 passed by the Commissioner, Rohtak Division, Rohtak by which request of the petitioner for grant of parole for agricultural purposes was declined.

2. The petitioner is undergoing life imprisonment under Section 302 IPC and Section 25 of the Arms Act in case FIR No.226 dated 09.05.2013, registered at Police Station Civil Lines, Bhiwani pursuant to the judgment of conviction and order of sentenced rendered by the Additional Sessions Judge, Bhiwani on 27.01.2015.

3. Reply on behalf of respondents No.1 to 3 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, he is also sentenced to undergo life imprisonment in case FIR No.310 of 2013. 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. No doubt, no person is entitled to be released under the Act and the release of a prisoner on parole can be declined in case his release on parole is likely to endanger the security of the State or the maintenance of public order. 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 Mandhana is also annexed with the petition. The Gram Panchayat states that the petitioner is main member of his family and he has ancestral agricultural land in village. Agriculture is only means for survival of his family. It being so, the apprehension of breach of peace is just imaginary. 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. The work and conduct of the petitioner in District Jail, Bhiwani as a post of Para Legal Volunteer has been appreciated by the Chief Judicial Magistrate-cum-Secretary, District Legal Services Authority, Bhiwani vide appreciation letter dated 03.06.2019. Thus, my view is that the benefit of temporary release by way of parole is admissible.

5. In view thereof, the petition is allowed and the impugned order dated 17.01.2018 is set aside. Petitioner is ordered to be released on parole for six weeks w.e.f. 01.10.2019 onwards i.e. short of the start of paddy harvesting season, 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.

**02.09.2019**  
Vimal

**[RAJIV NARAIN RAINA]**  
**JUDGE**

|                                   |               |
|-----------------------------------|---------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes/No</i> |
| <i>Whether Reportable:</i>        | <i>Yes/No</i> |