

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

**CWP-5922-2019 (O&M)
Date of decision : 8.4.2019**

Surender Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. C.R. Dahiya, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

KULDIP SINGH, J.

Petitioner has impugned the order dated 15.1.2019 (Annexure P-3), passed by Divisional Commissioner, Hisar Division, Hisar vide which application of the petitioner, seeking agricultural parole, was declined.

Heard learned counsel for the parties and perused the case file.

It comes out that petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of ten years in case FIR No. 900 dated 19.12.1996, under Sections 15/61/85 of the NDPS Act, registered at P.S. Sadar, Hisar vide judgment of conviction and order of sentence dated 1.10.2002 passed by learned Additional Sessions Judge, Hisar.

It comes out that petitioner was undergoing imprisonment for about little over three months, when he applied for emergency parole. He was granted emergency parole for three weeks. Petitioner filed an application before this Court for extension of parole, which was extended

by two weeks and he was to surrender on 26.4.2003 but the petitioner did not surrender on the said date and was ultimately arrested after 12 years on 26.4.2015. He was charged under Sections 8 and 9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short 'the Act') and another case under Sections 420/467/468/471 of the Indian Penal Code (IPC) read with Section 120-B of the IPC was registered against him which is pending trial. It was on this ground that parole has been declined.

The State has taken the same plea in the reply.

Learned counsel for the petitioner contends that he has been acquitted under Sections 8 and 9 of the Act and also under the case registered against him under Sections 420/467/468/471 of the Indian Penal Code (IPC) read with Section 120-B of the IPC. He has already undergone more than two years after his surrender and that the Superintendent Jail, Central Jail-I Hisar has also recommended his case. Therefore, the Divisional Commissioner could not reject the same.

I am of the view that recommendation of the Superintendent Jail, Central Jail-I Hisar are not binding on the Divisional Commissioner, Hisar. The Divisional Commissioner, Hisar is to see the over all facts of this case. In this case, petitioner obtained parole to see ailing mother for three weeks. Thereafter, he filed application before this Court and got the parole extended by two weeks and thereafter, he absconded and remained absconding for 12 years.

Facts and circumstances of the case show that apprehension of the authority that he may again abscond and may not be apprehended, is not unfounded.

It being so, even though the petitioner qualified for parole after his arrest, there is no reason to set aside the impugned order dated 15.1.2019 (Annexure P-3), passed by Divisional Commissioner, Hisar Division, Hisar.

Accordingly, the writ petition stands dismissed.

(KULDIP SINGH)
JUDGE

8.4.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No