

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-6784-2019

Date of Decision:-21.08.2019.

Rakesh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vineet Dhanda, Advocate for the petitioner.

Mr. Sandeep Vashisht, DAG, Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. The petition has been filed challenging the order dated 21.12.2018 (Annexure P-1) passed by the Commissioner, Rohtak Division, Rohtak whereby benefit of parole to the petitioner has been denied so also for issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of parole to the petitioner for a period of four weeks for house repair.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Sections 302, 120-B & 506 IPC and Sections 25/54/59 of the Arms Act in case FIR No.207/2008 registered at Police Station Sadar Bhiwani, District Bhiwani.

3. Perusal of the impugned order shows that the application of the petitioner has been rejected on the ground that two other case are pending against the petitioner and he is habitual offender and if he is released on parole, he may abscond. In reply also the grounds for rejection of request of the petitioner have been reiterated. However, in the report regarding repairs of the house it is admitted that the petitioner owns a house/shed on which

door is not fixed for which he needs parole for carrying out repairs and

maintenance of the same. It is submitted in the written statement as under:-

“According to the report, Convict wants parole for house repair. The prisoner has a house or Shed in which there is no door. There are three bothers namely Pawan and Satish his mother’s name is Bhateri Devi. The prisoner lives separate who is unmarried. Father of the prisoner had died and his family live separate. The prisoner is habitual offender. Who could jump parole or can commit any heinous crime.”

4. 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 repair of his house. 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. No doubt, two FIRs have been lodged against the petitioner but he has been acquitted in both the FIRs in the year 2018. It is not disputed that the petitioner was earlier granted the benefit of parole/furlough for four times and he surrendered in time each time after availing of parole period.

5.) In view of the above, the petition is allowed. The impugned order dated 21.12.2018 (Annex 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 are required to secure the presence of the petitioner in jail after the period of parole, is over and done with.

(RAJIV NARAIN RAINA)
JUDGE

August 21, 2019.

sandeep

Whether speaking/reasoned:-

Yes

Whether Reportable:-

Yes / No.