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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/11/2019 11:51
I attest to the accuracy and
authenticity of this document

CWP-7520-2019 (O/M)
Date of decision : 2.7.2019

Randhir Singh Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vishwajeet, Advocate,
for petitioner.

Mr. Tanuj Sharma, AAG Haryana.

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KULDIP SINGH, J. (ORAL)

Reply on behalf of respondents No. 1 to 5 filed in Court today
and same is taken on record.

Heard.

Petitioner was convicted under Sections 302, 201, 34, 120-B
IPC in FIR No. 145 dated 21.5.2014, registered at Police Station Taraori,
District Karnal, and was sentenced maximum imprisonment for life by
learned Additional Sessions Judge, Karnal, vide judgment of conviction and
order of sentence dated 1.3.2016. Petitioner applied for agriculture
parole for 6 weeks which was declined by Commissioner, Karnal Division,
Karnal. Petitioner has impugned said order before this Court.

The State has filed reply. In reply, the State has taken ground
that as per report of Superintendent of Police, Karnal, there are chances of
breach of peace in village if petitioner is released on parole. Therefore, his
parole was not recommended. Consequently, Commissioner, Karnal
Division, Karnal, accepted report of Superintendent of Police, Karnal, and
rejected request of petitioner for parole.

Perusal of impugned order shows that there is 4 acres of land in the name of father of petitioner which according to State is cultivated by his children and wife. There is apprehension of disturbance of peace in village.

Perusal of petition shows that petitioner claims that he was released on furlough from 28.9.2018 to 13.10.2018 and surrendered within time. Said averment is not denied in reply. It is not claimed that during said parole, petitioner committed any crime or did anything to disturb peace in village.

It being so, the apprehension of State that peace in village will be disturbed is not supported by any material and is liable to be rejected. It being so, petition is allowed. Impugned order dated 21.2.2019 (Annexure-P-1), passed by Commissioner, Karnal Division, Karnal, is set aside and petitioner is ordered to be released on agriculture parole for 6 weeks on his furnishing adequate surety to the satisfaction of District Magistrate concerned.

(KULDIP SINGH)
JUDGE

2.7.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No