

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

CWP-9251-2019

Date of Decision: 21.11.2019

Abhimanu @ Mintu

....petitioner

Versus

State of Haryana and others

.....respondent

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Ravinder Bangar, Advocate
for the petitioner

Mr.Kapil Bansal, DAG Haryana

RAJIV NARAIN RAINA, J. (ORAL):

1. Through this petition, the petitioner has sought for a writ in the nature of certiorari for quashing of the order dated 01.01.2019 (P1) passed by respondent No.6 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/State to grant the benefit of parole to the petitioner for a period of four weeks to enable him to repair his house.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Sections 302/506 IPC and Section 25 of the Arms Act, in case FIR No.76 dated 12.06.2011 registered at Police Station Chhainsa, District Faridabad.

3. Learned counsel for the petitioner submits that house of the petitioner is in a very poor condition and it requires urgent repair. In support of his contention, learned counsel for the petitioner has produced some photographs of the house of the petitioner.

4. On the other hand, learned State counsel while opposing prayer

made by the learned counsel for the petitioner argues that since the petitioner has committed jail offences, therefore, benefit of parole should not be granted to him.

5. Perusal of the impugned order shows that the application of the petitioner has been rejected on the ground that the petitioner is a habitual criminal and may violate the terms of parole and peace of area may be disturbed.

6. 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 is involved in a heinous crime & he may abscond. The likelihood of absconding 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.

7. In view of the above, the petition is allowed. The impugned order dated 01.01.2019 (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.

21.11.2019

neenu

**(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No