

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10028-2019 (O&M)
Date of Decision:-20.08.2019.

Jiya Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. Sandeep Vashisht, DAG, Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1.) Short reply by way of affidavit filed on behalf of the respondents is taken on record. Copy thereof stands supplied to learned counsel for the petitioner. He has been through the same.

2.) Through this petition, the petitioner has sought a writ in the nature of mandamus directing the respondents to release the petitioner on agriculture parole for six weeks in FIR No.992 dated 19.09.2006 under Sections 302, 148, 149, 506 of IPC registered at Police Station Sector 40, District Gurugram as petitioner's representation dated 10.03.2019 (Annexure P-1) is pending before respondent No.4.

3.) Learned counsel for the petitioner submits that the petitioner has moved an application dated 10.03.2019 for agricultural parole for six weeks before respondent No.4 but no action has been taken in this regard. The Sarpanch of the village has given certificate that there will be no disturbance of peace in the village if the petitioner gets parole.

prayer made by the learned counsel for the petitioner submits that while in jail the petitioner quarrelled with other prisoners on 27.11.2018 while undergoing life imprisonment, for which a case FIR No.293/2018 under Sections 147/148/323 IPC and Section 42 of the Prisons Act has been registered at P.S. Bhondsi, Gurugram. Hence, the learned State counsel argues that the benefit of parole should not be granted to the petitioner. However, on query of Court as to whether the petitioner has got land on lease or not, verification has been conducted by the office of the District Magistrate, Gurugram and it is admitted in the written statement that there is agricultural land measuring 8 kanals on lease in the name of the petitioner in village Dadawas, Tehsil Pataudi, District Gurugram.

5.) Having heard learned counsel for the parties, I am of the view that the ground that the petitioner quarrelled with some other prisoners in jail is not a valid ground to deny parole to the petitioner.

6.) State in its reply does not say that there is apprehension that the petitioner will abscond. There is no threat to the security of the State or breach of public order.

7.) In view of the above, the petition is allowed. The petitioner is granted parole for six weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as 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 20, 2019.

sandeep

Whether speaking/reasoned:-

Yes

Whether Reportable:-

Yes / No.