

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 12950 -2019(O&M)

Date of decision: 27.05.2019

Rakesh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Prateek Rathee, Advocate for the petitioner
Mr.Sandeep Vashisht, DAG Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Learned State counsel has filed reply in Court today. The same is taken on record. Two certificates issued by the Schools filed by the learned State counsel are also taken on record.

Petitioner seeks quashing of order dated 6.5.2019 (Annexure P3) passed by Divisional Commissioner, Rohtak Circle, Rohtak, vide which, parole of the petitioner was declined on the ground that Elections Code of Conduct is in operation.

Petitioner is undergoing life imprisonment in a murder case after being convicted by learned Sessions Judge, Jhajjar on 13.3.2018. He has completed one year of sentence as required under the Rules to make him eligible for parole.

The State has filed School certificate showing that Atul Tehlan son of the petitioner was in 8th class and has been promoted to 9th class but

his annual fee and monthly fee have not been deposited. His last year's fee for three months is also due. Regarding other son of the petitioner, namely, Ritik Tehlan, school certificate shows that he has passed 10th class but he has not come to collect the transfer certificate.

I am of the view that in the present scenario, the petitioner is required to pay the fee of his son studying in 9th class and get his second son admitted in higher class. Parole was declined only on the ground that Elections Code of Conduct is in operation. State has already withdrawn the same.

In these circumstances, the order dated 6.5.2019 (Annexure P3) passed by Divisional Commissioner, Rohtak Circle, Rohtak is set aside and the petitioner is ordered to be released on parole for a period of four weeks on furnishing adequate surety to the satisfaction of District Magistrate concerned.

The petition is allowed accordingly.

27.05.2019

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No