

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

Date of decision: 29.08.2019

CWP No.14543 of 2019

Kuldeep

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Randeep S. Dhull, Advocate, for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition has been filed challenging the order dated 21.08.2018 passed by the Commissioner, Rohtak Division, Rohtak by which request of the petitioner for grant of parole for house repair was declined.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Section 302/34 IPC registered at Police Station Meham, District Rohtak. His Criminal Appeal No.D-896-DB of 2009 was dismissed on 17.01.2018.

3. A perusal of the impugned order dated 21.08.2018 as well as the reply filed by the State shows that several FIRs have been registered against the petitioner at different Police Stations. It has been further stated that the convict is a habitual offender and if he is released on parole, he may jump parole and disturb peace in the village and the society.

4. Having heard Mr. Randeep S. Dhull and Mr. Sourabh Mohunta, DAG, Haryana, 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 various cases and he may abscond and that the members of his family are capable of getting the house repaired. 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. It has not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good.

5. In view thereof, the petition is allowed and the impugned order dated 21.08.2018 passed by Commissioner, Rohtak Division, Rohtak is set aside. Petitioner is ordered to be released on parole for four weeks for house repair on furnishing adequate surety to the satisfaction of the District Magistrate concerned. It shall be open to the State to impose adequate condition/s to ensure that the petitioner does not indulge in any crime during parole.

6. Petition stands allowed accordingly.

29.08.2019
Vimal/kv

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

Yes/No