

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

CWP No. 14959 of 2019

Date of Decision: 22.08.2019

Neeraj Kumar

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Arun Kumar, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. The petition has been filed challenging the order dated 23.05.2018 (P-1) passed by the Divisional Commissioner, Hisar Circle, Hisar 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 to grant the benefit of parole to the petitioner for a period of four weeks for house repairs.

2. The petitioner was convicted and sentenced to imprisonment in three cases as under:-

- (1) FIR No.96 dated 21.01.2013 under Sections 148/149/307/353 IPC & Section 25 of the Arms Act, registered at P.S.Sadar, Hissar to undergo rigorous imprisonment for 7 years;
- (2) FIR No.03 dated 01.01.2013 under Sections 394/397 IPC and 25 of the Arms Act registered at Police Station Civil Line Hissar, to undergo life imprisonment ; and,
- (3) FIR No.1118 dated 04.12.2012 under Sections 397/34 IPC registered at P.S.Sadar, Hissar, to undergo rigorous imprisonment for 7 years.

It is submitted that the petitioner has completed his sentence in

1st FIR No.96 dated 21.01.2013.

3. Perusal of the impugned order shows that the application of the petitioner has been rejected on the ground that the petitioner was convicted under Sections 394 & 397 IPC i.e. for committing robbery and dacoity, therefore, he comes in the category of hardcore prisoner. In reply also the grounds for rejection of request of the petitioner have been reiterated. However, in respect to report regarding repairs of the house it is admitted that house was constructed under Indira Awaas Yojana Scheme in 2015-16 and the area of house is 30 Sq. Yds comprising one bed room and a lobby. The entire house is only plastered and no paint work has been executed in the house. There is no bathroom in the house. The House is not old but in a raw state and needs painting and other repairs. The petitioner needs parole for construction of a bathroom and for minor repair and maintenance of the same.

4. 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 repairs of his house. The only ground taken is that the petitioner comes in the category of hardcore prisoner. However, State in its reply nowhere has mentioned that there is apprehension that the petitioner will abscond. It has also not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good. No doubt, three other FIRs have been lodged against the petitioner but he stands acquitted in all the FIRs in the years 2014 & 2015.

5. In view of the above, the petition is allowed. The impugned order dated 23.05.2018 (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 may be required to secure the presence of the petitioner in jail after the parole period, is over and done with.

22.08.2019
kv/rajeev

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes/No