

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

CWP-15528-2019

Date of Decision:06.11.2019

Pardeep Kumar

....petitioner

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Ravinder Banger, Advocate
for the petitioner

Mr.Saurabh Mohunta, 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 speaking order dated 06.03.2019 (P-5) passed by respondent No.2 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 for school transfer/admission of his children.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Sections 365/302/394/364/201-120-B IPC in case FIR No.217 dated 26.04.2016 registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

3. The petitioner approached this Court for parole for “transfer/admission” of his children. The petitioner belongs to village Thalota, Tehsil Vishnagar, District Mehsana, Gujarat and is lodged in District Jail, Yamuna Nagar.

4.

Report of the Additional District Magistrate, Mehsana, Gujarat,

dated 16.10.2019 has been placed as Annexure R1 with the affidavit filed on behalf of respondent No.5, in the Court today. The same is taken on record.

5. The spot verification done by the authorities in Gujarat reveals that the daughters of the petitioner namely Ishikaben and Shrey are studying in Class VIII and IV in Anupam Primary School, Tehsil Unjha, District Mehsana. The District Primary Education Officer who was sent to the School to make a report, met the principal of the School and he provided their General Register Nos.5457 and 5460. The assessment is that the children need to stay with their mother who is the first guardian on priority basis. Hence, they should continue to study in the Anupam Primary School. It is also revealed that the children do not have any support from the grandparents. The grandfather Chimanlal is suffering from paralysis in the leg and the grandmother is not in a position to take care of the children as both are old. The Sarpanch of village Thalota has also made a statement about grandfather Chimanlal's disability. It is the wish of the grandparents that the children should live with the mother at Mehsana. The Additional District Magistrate, Mehsana has suggested to the District Magistrate, Yamuna Nagar, to take into account the interest of the children living with the mother and to let them continue with the studies at the Anupam Primary School, District Mehsana, which seems a better choice. There could be no possible reason to disagree with the report based on the facts and therefore, the petitioner's request for transfer/admission of the children is not believed, which is set up only for the purpose of securing the parole.

6. With this information furnished from Gujarat, I find no merit in the petition and is accordingly dismissed. The dismissal of this petition will

not stand in the way of the petitioner to apply for parole for proper and justified reason/request, if made, would be decided in accordance with law.

06.11.2019

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**(RAJIV NARAIN RAINA)
JUDGE**