

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 16.11.2019****CWP No.16285 of 2019**

Sandeep

...Petitioner

Vs.

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Mr. Kapil Bansal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

Petitioner seeks quashing of the impugned order dated 04.3.2019 (Annexure P-1) passed by the Superintendent, District Jail, Rohtak vide which his prayer for parole was declined on the ground that he is not eligible, as he surrendered late from his last parole.

Today, learned Law Officer has filed the reply dated 04.08.2019 by way of affidavit of Sewa Singh, Deputy Superintendent, District Jail Rohtak, which is taken on record. In the reply details of the parole/furlough availed by the petitioner are mentioned as under:

Sr. No.	Leave Details	Days	Date From	Date To	Remarks
1.	Furlough	14	Sep. 12, 2018	Sep. 27, 2018	Surrendered 22 minutes late
2.	Agriculture Parole	25	Apr. 17, 2018	May 13, 2018	Surrendered on time
3.	Furlough	21	Jul. 27, 2017	Aug. 18, 2017	-do-

A perusal of the above table reveals that the petitioner was granted furlough/parole three times. On the last furlough/parole period i.e. from 12.09.2018 to 27.09.2018, he surrendered 22 minutes late, thereby

violating the provisions of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. However, on other earlier two occasions he surrendered on time.

Having heard learned counsel for the parties and after going through the case file carefully, I am of the view that this is not a case in which parole should be denied to the petitioner. The petitioner was punished with forfeiture of prison privilege in respect of STD (PICS) and Canteen facility for 7 days for surrendering late by few minutes. The parole can be granted to socialize the convict with his family members and the society. In the reply, 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. Thus, my view is that the benefit of temporary release by way of parole is admissible.

In view thereof, the petition is allowed and the impugned order dated 04.03.2019 is set aside. Petitioner is ordered to be released on parole for three weeks to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual toward the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

16.11.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*