

CWP No.17741 of 2019
Date of Decision: 19.07.2019

Vinod

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Prateek Rathi, Advocate
for the petitioner.

Mr. D.K. Mittal, Deputy Advocate General, Haryana.

NIRMALJIT KAUR, J. (ORAL)

The prayer in the present petition is for quashing of order dated 06.03.2019, passed by the Divisional Commissioner, Hisar, vide which, the petitioner was granted parole for a period of 21 days, despite the fact that the Act provides for 42 days of the release in case of parole under Section 3 (1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and further prayer to extend the parole for three weeks for completing the sowing process of rice crops on his 2.5 Killa land.

Learned State counsel at the out right has placed on record copy of order dated 26.04.2018 passed by the learned Single Bench in CWP No.10236 of 2018 titled as Virender @ Dhillu Versus State of Haryana and others, dismissing the similar writ petition, wherein, the petitioner sought extension of the parole while he was on parole. There is no dispute with the observations made by the learned Single Bench that the remission and parole are not the vested rights of the prisoners. While, refusing to extend the parole period, it was observed that there was nothing mentioned in the petition or raised in the argument as to whether some incomplete

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the agricultural activities.

However, in the present case, the petitioner has specifically pleaded that he was released on parole for agricultural purposes and sowing of the rice crops on his 2.5 killa land, will take at least three more weeks time. It is not disputed that this is the season for sowing the paddy and it is likely to continue uptill by the end of this month.

Accordingly, this Court would have remanded the matter back to the concerned authority to reconsider and pass fresh order in view of his pending agricultural work but for the fact that the same would result in delay and by then the period of season for sowing the paddy may end, this Court deem it proper to decide the same. The sowing of rice paddy is still pending. The petitioner has earlier also availed agricultural parole twice over for 42 days. Hence, it is evident that there is nothing adverse against the petitioner which may come in the way of his release for another three weeks.

Accordingly, while holding that seeking parole is not a right, the petitioner in the present case is otherwise entitled for release on parole for another remaining 21 days commencing from the date of his release, subject to the conditions as imposed in the order dated 06.03.2019 (Annexure P-1).

Disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

19.07.2019
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No