

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

CWP-19751-2019 (O&M)

Date of Decision: 19.08.2019

Ashok

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present : Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Sandeep Vashisth, D.A.G. Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. Reply filed by the State in Court today is taken on record.
2. Through this petition, the petitioner has sought for a writ in the nature of certiorari for quashing of the impugned order dated 14.06.2019 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 six weeks for agricultural purposes.
3. Learned counsel for the petitioner submitted that there is no other male member in the family of the petitioner who can provide help to his wife and old parents for tilling land etc for agricultural purposes. It is also apprised that earlier also the petitioner was granted the benefit of parole twice for agricultural purpose and once for repairing of his house and he surrendered in time.
4. On the other hand, learned State counsel while opposing the prayer made by the learned counsel for the petitioner submits that since the petitioner falls under the category of 'Hardcore Prisoner', therefore, the benefit of parole should not be granted to him.

5. 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 agricultural operations. The only ground for rejection of the request of the petitioner assigned is that he has five male members in the family who can look after agriculture work. The petitioner was granted the benefit of parole twice for agricultural purposes and once for house repairs in the presence of his brothers at home. It is also not disputed that the petitioner has surrendered in time all the three times after availing of parole period. The petitioner has spent 11 years 2 months and 12 days of actual sentence and he has undergone total sentence including remissions of 15 years 7 months and 12 days.

6. Considering that the petitioner has earlier not misused the grant of parole, the present petition is allowed and the impugned order dated 14.06.2019 is quashed. The petitioner is granted parole for six weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as required to secure the presence of the petitioner in the jail after the period of parole, is over and done with.

19.08.2019

rajeev

**(RAJIV NARAIN RAINA)
JUDGE****Whether speaking/reasoned****Yes****Whether reportable****Yes/No**