

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 06.09.2019****CWP No.21575 of 2019**

Neel Kumar @ Anil Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Amit Khari, Advocate, for
Ms. Monika Tanwar, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

When this matter came up for hearing on 17.08.2019, the following order was passed:

“Notice of motion.

On the asking of the Court, Mr. Saurabh Mohunta, DAG, Haryana accepts notice on behalf of the respondents/State and waives service on them. Ms. Tanwar to supply one copy of the petitioner to Mr. Mohunta during the course of the day.

Having heard learned counsel for the parties, respondents are directed to consider and decide the application Annex. P-1 moved by the petitioner within a week and produce the same before this Court on or before the next date of hearing.

List on 06.09.2019.”

Today a short reply has been filed on behalf of the respondents, which is taken on record. The reply contains an order dated 03.09.2019 declining the request of the petitioner for parole for house repair for the

reason that neither is there any property in the ownership of the petitioner nor any permanent address on the site. Earlier, there was a hut and now nothing remains. There is no family member of the prisoner. Only an open plot is there which is also unauthorisedly occupied on the land of the Waqf Board. With this revelation, the petitioner does not fulfill the provisions of Section 8(3) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007. The Divisional Commissioner, Ambala in her order has rightly observed that there should be ownership of house on the name of prisoner as per rule before a request can be acceded to. She has affirmed the report of the District Magistrate, Yamunanagar declining to recommend the case of the petitioner for parole, as the prayer of the petitioner is not in existence on the ground level.

Consequently, no interference is called for in the present petition and the same is ordered to stand dismissed.

However, this will not preclude the petitioner for applying for parole on any other permissible ground in future.

06.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No