

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

CWP No.25267 of 2018 (O&M)

Date of decision: 21.02.2019

Rajesh @ Khanna

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ramnish Puri, Advocate
for the Petitioner.

Mr.Ramesh Kumar Ambavta, AAG, Haryana.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for directions to quash the order of the Commissioner, Rohtak Division, Rohtak dated 6.7.2018 (Annexure P-1) whereby, the application of the petitioner for release on parole has been rejected. It has also been prayed that the respondents be directed to release the petitioner on parole.

As stated in the petition, the petitioner is undergoing rigorous imprisonment for life in case FIR No.26 dated 13.3.2012 under Sections 302, 201, 364, 392 read with 34 IPC and Section 25 of the Arms Act, Police Station Bond Kalan, District Bhiwani after his conviction by the Additional Sessions Judge, Bhiwani.

The petitioner submitted an application to the Superintendent, District Jail, Jhajjar for grant of parole for agricultural work, which was recommended and

forwarded to the Commissioner, Rohtak Range, Rohtak. Reports were sought

from the Deputy Commissioner, Jhajjar and Superintendent of Police, Jhajjar. The report of the Superintendent of Police stated that the following cases are pending against the petitioner:-

- “1. On 10.10.14 convicted in FIR No.26/2012 under Section 397/364/302/201/34 IPC*
- 2. On 18.05.16 convicted in FIR No.525/2015 under Section 174-A IPC*
- 3. On 13.08.13 convicted in FIR No.135/2013 under Section 174-A IPC*
- 4. Acquitted in FIR No.324/2006 under Section 147/323/148/ 452/ 506 IPC*
- 5. Acquitted in FIR No.419/2009 under Section 454/380 IPC”*

Upon the receipt of the reports, the Commissioner termed the petitioner as habitual offender and opining that in case he is released on bail he can commit serious offence and there are chances of breach of peace, rejected the request for parole.

The impugned order declining parole to the petitioner cannot sustain as neither ground mentioned therein is made out in the facts of this case.

It has been held by Division Bench of this Court in **Ram Chander Vs. State of Punjab and others 2017(3) RCR(CrI) 340** that likelihood of committing a crime while on parole would not be a sufficient ground to deny temporary release on parole as merely likelihood of committing a crime is not to be taken as apprehension of a threat to the security of the State or maintenance of public order.

The ground that there is a possibility of the petitioner involving in other serious crime while released on parole, is just the apprehension in the mind of the Authority which is not based on any substantial evidence.

There is also no material forthcoming to justify the conclusion that the release of the petitioner will disturb the public peace.

Accordingly, this petition is allowed. The impugned order is set aside. The respondents are directed to release the petitioner on parole for a period of four weeks subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of four weeks of his release.

February 21, 2019
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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No