

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

CWP-22147-2019

Date of Decision:06.11.2019

Surender

....petitioner

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Arjun Sheoran, Advocate
for the petitioner

Mr.Saurabh Mohunta, DAG Haryana

RAJIV NARAIN RAINA, J. (ORAL):

Through this petition, the petitioner has sought for 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.

The petitioner was convicted and sentenced to undergo life imprisonment under Sections 120-B/302/364-A/328/201/506 IPC and Section 25 of the Arms Act in case FIR No.275 dated 26.12.2005, registered at Police Station Gannaur, District Sonapat.

As per the statement of learned counsel for the petitioner, the petitioner has been granted parole/furlough at least 10 times in the past with the cumulative temporary release period for over five months. At all times, he surrendered to the jail authorities in time. His conduct in jail is presumed to be good as nothing adverse has come on record. The petitioner belongs to District Shamli, Uttar Pradesh. The District Magistrate, Shamli has sent a negative report suggesting that the parole should be declined, while bearing out that during parole leave, the conduct, character and behaviour of the

petitioner was satisfactory and he has land in his parental village.

Mr.Mohunta has based arguments on the report of the District Magistrate, Shamli and opposed the parole application.

I have considered the arguments advanced by learned counsel for the parties and I am of the view that the past record of the petitioner in the matter of parole eminently justifies grant of temporary release on parole for agricultural purpose for a period of six weeks as prayed by him.

Accordingly, the petition is allowed. Report of the District Magistrate, Shamli is ignored as not material for the purpose of parole. 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 are required to secure the presence of the petitioner in jail after the period of parole, is over and done with. The case of the petitioner be processed expeditiously.

06.11.2019

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**(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No