

CWP-28821-2018 (O/M)

Date of decision : 29.1.2019

Manoj

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Dhull, Advocate,
for petitioner.

Mr. Sandeep Vashisht, DAG Haryana.

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KULDIP SINGH, J. (ORAL)

Petitioner has challenged impugned order dated 7.8.2018/20.8.2018 (Annexure-P-1), passed by Commissioner, Rohtak Division, Rohtak, vide which grant of parole to petitioner has been declined. Petitioner seeks parole under Sections 3(1) (d), 2 (b) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, and under Rule 8 (iii) of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007. It comes out that petitioner was convicted by trial Court under Section 20 of NDPS Act, 1985, and was sentenced to undergo rigorous imprisonment for 7 years in FIR No. 103 dated 21.4.2012. He was undergoing sentence in said case. In the meanwhile, he was convicted on 16.7.2016 by trial Court in another case under Section 20 of NDPS Act, 1985, in FIR No. 299/2013, Police Station Kalanaur, and was sentenced to undergo rigorous imprisonment for 14 years in addition to fine. Previously, parole of petitioner was declined and petitioner approached this Court by way of filing CWP No. 12048 of 2018, in which this Court, vide order dated 31.5.2018 (Annexure-P-3), set aside order and matter was remitted to authorities for afresh decision as per law. Consequently, order dated 7.8.2018/20.8.2018 (Annexure-P-1) was passed.

I have heard learned counsel for parties and have also carefully gone through file.

Perusal of impugned order shows that parole has been declined on the ground that if convict is released on parole, he may abscond and may commit any heinous crime as he is habitual offender. Therefore, on these grounds and also on the ground that public peace in village can be disturbed, Commissioner, Rohtak Division, Rohtak, declined grant of parole to petitioner.

I am of view that there is nothing on file to show that while in jail, petitioner committed some jail offence or his behaviour was such that he is likely to commit such offence while on parole. While petitioner is released on parole, he may commit some other offence is mere apprehension of authorities which is without any basis. Considering that petitioner was in custody in FIR No. 299/2013 with effect from 16.7.2016 and he is stated to have completed sentence in FIR No. 103/2012, order dated 7.8.2018/20.8.2018 (Annexure-P-1), passed by Commissioner, Rohtak Division, Rohtak, is set aside. Petitioner is ordered to be released on parole for period of four weeks under Sections 3(1) (d), 2 (b) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, and under Rule 8 (iii) of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007, for admission of his children and to pursue their study on his furnishing adequate surety to satisfaction of District Magistrate, Charkhi Dadri. Petition is thus allowed.

(KULDIP SINGH)
JUDGE

29.1.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No