

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 16.09.2019****CWP No.23112 of 2019**

Surender Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.S.Killianwali, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. The prayer in the present petition is for setting aside the order dated 13.08.2019 (Annex P-1) passed by the Commissioner, Hisar, whereby the request of the petitioner for releasing him on parole for repair of house has been declined.

2. The petitioner was convicted and sentenced vide judgment of conviction and order of sentence dated 25.04.2018 to undergo rigorous imprisonment for 10 years under Section 21 of the NDPS Act in case FIR No.275 dated 17.04.2015 registered at Police Station City, Sirsa.

3. Today, Mr. Bansal has filed reply on behalf of the respondents along with photographs of the house of the petitioner, which is taken on record. On the basis of reply filed, he submits that though the house of the petitioner is repairable, but his family is capable to repair the house. He also pointed out that the house is in the name of petitioner's mother. He further submits that if the petitioner is released on parole, there is apprehension in disturbance of peace in the village.

4. Having heard learned counsel for the parties and keeping in view the condition of the petitioner's house, I am of the view that this is not a case in which parole should be denied to the petitioner for house repair and to meet his family members. The only ground taken is that if the petitioner is released on parole, there is apprehension of dissolution of peace in the village. To allay the apprehension, adequate conditions can be imposed on him and his conduct can be kept under watch in case parole is granted. State in its reply does not say that there is apprehension that petitioner will abscond. It also states that there is no threat to the security of the State. It has not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good. My view is that the benefit of temporary release by way of parole is admissible.

5. In view thereof, the petition is allowed and the impugned order dated 13.08.2019 is set aside. Petitioner is ordered to be released on parole for four weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual toward the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

6. Petition stands allowed accordingly.

16.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No