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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/1/2019 15:53
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CWP-30354-2018 (O/M)
Date of decision : 29.1.2019

Kulwant alias Monu 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)

Reply by way of affidavit of Sewa Singh, Deputy Superintendent, District Jail, Rohtak, on behalf of respondents, filed in Court today and same is taken on record.

Petitioner has challenged the speaking order dated 20.10.2018 (Annexure-P-1), passed by Commissioner, Rohtak Division, Rohtak, vide which his application for grant of parole has been declined under Sections 3(1) (d) and 2(d) 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 earlier approached this Court by way of filing CWP No. 17057 of 2018, challenging order dated 26.5.2018, passed by Superintendent, District Jail, Rohtak, vide which his prayer for parole was declined on the ground that he falls in category of hardcore prisoner as he was found in possession of mobile phone in jail premises. This court, vide order dated 6.9.2018 (Annexure-P-2), quashed said order and directed competent authority to decide case afresh. After considering

case, Commissioner, Rohtak Division, Rohtak, passed fresh order dated 20.10.2018 (Annexure-P-1), in which it is again stated that petitioner was found in possession of mobile phone and a case under Section 42 of Prison Act is pending trial against him. If he is released on parole, he can commit serious crime. Therefore, public peace in area can be disturbed.

It comes out that petitioner is undergoing life imprisonment in a murder case. It also comes out that ground that he is a hardcore prisoner has already been set aside by this Court. Therefore, on the same ground, fresh order could not be passed. So far ground of danger to public peace is concerned, there is no material on file to support same, except apprehension of authorities.

It being so, impugned order dated 20.10.2018 (Annexure-P-1), passed by Commissioner, Rohtak Division, Rohtak, is quashed. Petitioner is ordered to be released on parole for four weeks for house repair and for restoring social ties on his furnishing adequate surety to satisfaction of District Magistrate concerned. Petition is thus allowed.

(KULDIP SINGH)
JUDGE

29.1.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No