

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.28244 of 2019(O&M)
Date of Decision:18.10.2019

Gulab Singh

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. RS Dhull, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. Written statement on behalf of respondents No.1 to 4 filed by the State in Court today is taken on record. Copy supplied to the learned counsel for the petitioner and he has gone through the same.

2. Through this petition, the petitioner has sought a writ in the nature of certiorari for quashing the order dated 12.09.2018 (P-1) passed by respondent No.2 whereby benefit of parole to the petitioner has been denied. It is prayed consequentially that a writ of mandamus be issued directing the respondents to grant the benefit of parole to the petitioner for a period of six weeks for agricultural purposes.

3. The petitioner was convicted and sentenced to undergo rigorous imprisonment for life under Sections 302, 148, 323, 324, 506 & 149 IPC in case FIR No.334 dated 30.07.2001 registered at Police Station, City Kaithal, District Kaithal. Criminal appeal filed by the petitioner against his conviction was allowed by this Court converting the

conviction under Section 304-II of IPC and sentence of life imprisonment has been reduced to a period of 10 years.

4. Earlier the brother of the petitioner passed away on 14.04.2019, for which he was granted emergency parole by orders of this Court. He surrendered in District jail on time. Learned counsel submits that father of the petitioner is 63 years old and there is no other male member in the family to harvest the basmati crop on their agricultural land measuring 1½ acres with 5 acres land on lease.

5. The State has filed reply opposing the prayer on the ground that the petitioner is not entitled to apply for parole before completion of one year of his imprisonment after conviction nor the petitioner has earned his first annual good conduct remission. Hence, he is not entitled for parole.

6. The petitioner has spent more than 4 years actual sentence and 1 year and 4 months after conviction which comprises 7 months in 2003 and 9 months after re-admission in jail. Taking into account both the periods, he has covered one year in custody. There is no dispute that the conduct of the petitioner is not satisfactory in jail.

7. In view of the above, the present petition is allowed. To make agricultural parole more effective and meaningful, this Court deems it appropriate to grant six weeks parole to the petitioner 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.

8. Ordered accordingly.

(RAJIV NARAIN RAINA)
JUDGE

18.10.2019
monika

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No