

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

CWP No.28725 of 2019 (O&M)
Date of Decision:18.11.2019

Rajesh @ Chote

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr.Prateek Rathee, Advocate for the petitioner

Mr.Kapil Bansal, DAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

1. This petition has been filed for grant of parole which has been declined by the State vide the impugned order dated 19.7.2019 (Annex. P-2).

2. Written statement has been filed in Court today which is taken on record.

3. The petitioner has been convicted in FIR No.296 dated 27.10.2007 under Sections 148/149/302/449/452/120-B of the IPC and 25/54/59 of the Arms Act at P.S. Sadar Bahadurgarh District Jhajjar.

4. The petitioner has been serving sentence for the last 11 years 3 months and 5 days. The total sentence undergone including remissions earned as on 16.10.2019 is 13 years, 1 month and 22 days. His case for parole comes within the ambit of Section 5-A of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 1988, though objection raised by the respondents is that he is a serial killer. He was

has been convicted in two FIRs. Mr.Rathee states at the bar that in one of the two cases mentioned in paragraph 3 of the written statement, the petitioner has been acquitted in appeal by this Court. Mr.Rathee states that in case this assertion is proved to be untrue then the order granting parole will stand automatically cancelled without reference to this Court and the petitioner would surrender before the jail authority immediately and the petitioner be not released on parole in future. The statement of Mr.Rathee is not supported by the judgment, but as an Officer of this Court, I take his word. Mr.Rathee submits that the petitioner has already had benefit of parole 4-5 times earlier and in all of them, he surrendered on time. Presently, the petitioner is involved in one murder case from which this application arises. On being acquainted with the facts, the authorities have granted parole at their own earlier without any indulgence by this Court. The objections of the State appears to be far fetched. I do not see any valid ground to decline parole for agriculture purpose for which the request was made, but there have been subsequent events which, Mr.Rathee informs this Court that the mother of the petitioner has been undergoing treatment in PGIMS, Rohtak and has now been advised surgery to prevent micro cardiac infarction to prevent heart attack. Though there was no request made by the petitioner at the time of application for parole, this is an additional reason which has weighed in my mind for granting parole to the petitioner so that he can accomplish two of the purposes, one to look after his land and the other to take care of his mother, in case surgery is performed during the period of parole. Taking into account the aforesaid relevant considerations, it is deemed appropriate to grant the benefit of parole to the petitioner for a period of six weeks.

5. In view of the above, this petition is allowed. The impugned order dated 19.7.2019 (Annex. P-2) passed by the respondent authority is quashed. The petitioner is granted parole for a period of six weeks from the date of his release to the satisfaction of the District Magistrate concerned who is further directed to impose such conditions as may be required to secure the presence of the petitioner in jail before the period of parole is over and done with. The petitioner will provide his mobile/phone number to the local SHO and keep in touch with him of his whereabouts during the period of temporary release.

18.11.2019
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes/No