

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

CWP-28965-2019

Date of Decision: 25.11.2019

Deepak

....petitioner

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Ravinder Bangar, Advocate
for the petitioner

Mr.Kapil Bansal, DAG Haryana

RAJIV NARAIN RAINA, J. (ORAL):

1, Through this petition, the petitioner has sought for a writ in the nature of certiorari for quashing of the speaking order dated 27.09.2019 (P-3) passed by respondent No.3 whereby benefit of parole to the petitioner has been denied so also for issuance of a writ in the nature of mandamus directing the respondents/State to grant the benefit of parole to the petitioner for a period of six weeks for agricultural purpose.

2. In response to the notice of motion issued by this Court, Superintendent, District Jail, Gurugram, has filed reply by way of affidavit dated 31.10.2019 in Court today, which is taken on record.

3. The petitioner was convicted and sentenced to undergo life imprisonment under Sections 148/149/307/302/427/452/120-B, 216 IPC and Sections 27/54/59 of the Arms Act, in case FIR No.446 dated 21.11.2013 registered at Police Station Badshahpur, District Gurugram.

4. The petitioner has sought agricultural parole to harvest millet (Bajra) in a village in District Gurugram. He has been granted parole three times earlier by this Court, either for admission of his children in school or for house repair. He has also surrendered in time. He is serving life imprisonment for murder. The appeal filed by the petitioner is pending before this Court.

5. Mr.Bansal, learned State counsel submits that on 31.10.2017, a mobile phone was recovered from the possession of the petitioner during his confinement in jail, for which he was awarded major jail punishment for one month.

6. In view of this factual position, I have no doubt or suspicion that if the petitioner is granted parole, he may not surrender in time. Accordingly, the petition is allowed. The impugned order dated 27.09.2019 (P-3) is quashed. The petitioner is granted agricultural parole for six weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as are required to secure the presence of the petitioner in jail after the period of parole, is over and done with.

25.11.2019*neenu***(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No