

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

CWP-29099-2019

Date of Decision:07.11.2019

Pala Ram

....petitioner

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.S.Dhull, 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 17.09.2019 (P-1) passed by respondent No.2 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 purposes.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Sections 148/302/323/324/326 read with Section 149 IPC in case FIR No.259 dated 30.06.1999, registered at Police Station Kaithal, District Kaithal.

3. The petitioner is an octogenarian. He was convicted for murder along with his two sons. In appeal, their sentence was suspended. The appeal failed partly and the offence of murder against

the petitioner was converted to Section 304-I IPC and he was convicted for 10 years. He was admitted to jail on 21.05.2019. The petitioner applied for agricultural parole which has been rejected on the ground that he has only 1½ acres of land and his wife and daughter-in-law would be capable of harvesting and sowing the crop and that he may commit other serious offences in case he is granted parole. The petitioner remained on bail for 16 years after suspension of sentence during the pendency of appeal before this Court. This is sufficient to conclude that he has not involved himself in any other crime and therefore the ground taken is misconceived. His age is itself a testimony that he would not like to run foul of the law. The presence of a male member for agricultural work is significant among the rural folk in Haryana as women are not expected to be able to do the work themselves. Therefore, I do not find good reason in the impugned order to deny the petitioner's parole for a period of six weeks.

4. Accordingly, the petition is allowed. The impugned order dated 17.09.2019 (P-1) is quashed. The petitioner is granted 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 required to secure the presence of the petitioner in jail after the period of parole, is over and done with.

07.11.2019***neenu***

Whether speaking/reasoned
Whether reportable-

(RAJIV NARAIN RAINA)
JUDGE

Yes/No.
Yes/No