

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 20.08.2019****CWP No.32214 of 2018**

Vijay

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Randeep S. Dhull, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition has been filed challenging the order dated 22.11.2018 passed by the Commissioner, Faridabad Division, Faridabad by which request of the petitioner for grant of parole for house repair was declined.

2. The petitioner was convicted and sentenced to undergo life imprisonment under Section 302/120-B/467/468/471 IPC and Section 25 of the Arms Act in case FIR No.147 dated 20.09.2008, registered at Police Station City Dadri, District Charkhi Dadri vide order dated 02.04.2013 passed by Sessions Judge, Bhiwani.

3. A perusal of the impugned order dated 22.11.2018 as well as the reply filed by the State shows that several FIRs have been registered against the petitioner in different sections and at different Police Stations. It has been further stated that the convict is habitual offender of doing

organized crime and if he is released on parole, he can spread unrest in the village.

4. Having heard Mr. Randeep S. Dhull and Mr. Ramesh Ambavta, I am of the view that such apprehension can be met by imposing appropriate conditions to watch the conduct of the petitioner while on parole. A certificate from Gram Panchayat (Annexure P3) has also been filed by the petitioner in support of his plea for parole. It is stated in the certificate that the petitioner/convict already availed parole 3-4 times and he never gave any chance of complaint during parole and that there is no danger of any breach of peace if he comes on parole. It being so, the apprehension of breach of peace is just imaginary.

5. State in its reply does not say that there is apprehension that petitioner will abscond. It also states that there is no threat to the security of the State. The only ground taken is that he will again commit any crime. The likelihood of committing a crime while on parole would not be a sufficient ground to decline temporary release on parole as mere likelihood of committing crime is not to be taken as apprehension of a threat to the security of the State or the maintenance of public order. No doubt, several FIRs have been lodged against the petitioner, but in most of the cases he has been acquitted. It has not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good.

6. In view thereof, the petition is allowed and the impugned order dated 22.11.2018 passed by Commissioner, Faridabad Division, Faridabad is set aside. Petitioner is ordered to be released on parole for three weeks for house repair on furnishing adequate surety to the satisfaction of the District

Magistrate concerned. It shall be open to the State to impose adequate condition/s to ensure that the petitioner does not indulge in any crime during parole.

7. Petition stands allowed accordingly.

20.08.2019

Vimal

[RAJIV NARAIN RAINA]

JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No