

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

CWP-32312-2018 (O&M)

Date of decision : 28.5.2019

Sandeep

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

KULDIP SINGH, J.

Reply by way of affidavit of Sewa Singh Deputy Superintendent, District Jail, Rohtak, on behalf of respondents filed in Court today is taken on record.

Heard.

Petitioner is undergoing life imprisonment in a murder case. His prayer for parole has been declined by the Commissioner Rohtak Division, Rohtak, vide speaking order dated 20.11.2018 (Annexure P-1) on the ground that petitioner is undergoing sentence in a heinous crime of murder and that if the petitioner is released on parole, he may abscond or peace of the village may be disturbed.

I am of the view that the aforesaid order dated 20.11.2018 itself shows that the District Magistrate, Sonipat has recommended the case of the petitioner for grant of parole. However, the Commissioner, Rohtak Division

Rohtak relied upon the report of the Superintendent of Police, Sonipat. I am of the view that the ground that petitioner will abscond or peace of the village will be disturbed, is not based on any cogent or convincing material. It is just the apprehension of the Commissioner, Rohtak Division, Rohtak. The District Magistrate, Sonipat had applied his mind to the facts and circumstances of the case. There was no reason to differ with the same.

As such, the impugned order dated 20.11.2018, passed by Commissioner Rohtak Division, Rohtak is set aside. The petitioner is ordered to be released on agricultural parole for a period of six weeks on furnishing surety bonds to the satisfaction of the District Magistrate, Sonipat.

Petition stands allowed accordingly.

(KULDIP SINGH)
JUDGE

28.5.2019
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No