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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/07/2019 16:19
I attest to the accuracy and
authenticity of this document

CWP-40344-2018 (O/M)
Date of decision : 17.7.2019

Satpal Petitioner (s)

Versus

State of Haryana and another Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. Tanuj Sharma, AAG Haryana.

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KULDIP SINGH, J. (ORAL)

Petitioner is undergoing life imprisonment for murder. He has impugned order dated 5.12.2018 (Annexure-P-1), passed by Commissioner, Rohtak Division, Rohtak, vide which his prayer for agriculture parole was declined.

State has filed reply in Court today and same is taken on record.

I have heard learned counsel for parties and have also carefully gone through file.

Impugned order shows that parole has been declined on the ground that wife and son of convict are capable to do agriculture. Convict belongs to gang in village. If he comes on parole, he is likely to disturb peace in village. Reply of State shows that petitioner has been granted parole and furlough 31 times starting from year 2002 to year 2018. In year 2003-04, petitioner absented from parole and thereafter, from year 2005 onwards, he was regularly granted parole and furlough. He always surrendered within time and did not commit any crime in village.

Therefore, it cannot be said that he will disturb peace in village.

Since agriculture parole has been allowed several times, now it cannot be said that wife and son can cultivate land, therefore, his assistance is not required. Therefore, impugned order dated 5.12.2018 (Annexure-P-1) is patently illegal and is set aside. Petitioner is ordered to be released on agriculture parole as per his entitlement for 42 days on furnishing adequate security to satisfaction of District Magistrate concerned. Petition is allowed.

(KULDIP SINGH)
JUDGE

17.7.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No