

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

**CRWP-1367-2019 (O&M)
Date of Decision: 20.12.2019**

Mukesh

... Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present : Mr. Parteek Rathee, Advocate
for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

JITENDRA CHAUHAN.J.(ORAL)

This petition under Article 226 of the Constitution of India read with Section 3(1)(c) of Haryana Good Conduct Prisoners (Temporary Release) Act 1988 seeking quashing of order dated 04.07.2018 (Annexure P-1) whereby the application of the petitioner for grant of parole for six weeks for agriculture work has been dismissed by the Commissioner, Rohtak Division.

Learned counsel for the petitioner contends that the prayer for agriculture parole of the petitioner has been declined on the ground that the petitioner is a habitual offender and is not likely to surrender back. The petitioner may abscond and can commit any heinous offence.

Learned State counsel submits that the petitioner has availed the concession of parole/furlough twice during his entire incarceration, once furlough from 16.02.2017 to 17.03.2017 vide order dated 13.02.2017 and

second time six weeks parole from 13.11.2017 to 26.12.2017 allowed by the competent authority i.e. Commissioner Rohtak Division, Rohtak and on both the occasions, the petitioner surrendered at Jail in time and did not misuse the concession of parole.

Heard.

This is to be noticed that the petitioner has not misused the concession of parole earlier granted to him and the Court feels that the apprehension expressed by the State is not well founded.

In the circumstances, the present petition is allowed and the petitioner is granted parole for four weeks subject to furnishing indemnity bonds to the satisfaction of the District Magistrate/Duty Magistrate concerned. The petitioner shall surrender before the jail authorities on the date and time to be noticed by the releasing Court/ Duty Magistrate.

(JITENDRA CHAUHAN)
JUDGE

(ARCHANA PURI)
JUDGE

20.12.2019

ps-I

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No