

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

220

CRWP-627-2020

Date of Decision : 03.03.2020

Anil @ Tekhar

....Petitioner

VS

STATE OF HARYANA AND OTHERS

....Respondents

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

Present: Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

JITENDRA CHAUHAN, J. (ORAL)

The present petition has been filed under Article 227 of the Constitution of India for issuance of a criminal writ in the nature of certiorari for setting aside impugned order dated 14.11.2019 (Annexure P-1) passed by respondent No.2, vide which the application of the petitioner for repairing of house has been rejected; and further for issuance of a writ in the nature of mandamus for directing the respondent No.2 to release the petitioner on parole for the purpose of repairing his house.

Learned counsel for the petitioner states that the house of the petitioner is in a dilapidated condition and the same needs to be reconstructed. He further states that there are no adverse entries against the petitioner during the custody period and the said fact is duly acknowledged by the learned State Counsel.

On the other hand, learned State Counsel has filed reply by way of affidavit on behalf of respondent Nos.1 to 5 in Court today and submits

that there is likelihood of breach of peace, in case the petitioner is released on parole.

Heard.

Though learned State Counsel has opposed the prayer made by the petitioner, but considering the fact that no cogent evidence has been brought on record to substantiate the apprehension expressed, and also the fact that house of the petitioner is in a dilapidated condition and needs repairs, this Court is inclined to allow this petition. Ordered accordingly.

The petitioner is ordered to be released on parole for a period of four weeks from the date of his release as per Rules on furnishing bonds to the satisfaction of the District Magistrate/Duty Magistrate concerned. The petitioner shall surrender before the jail authorities after expiry of the period of parole. The date and time of surrender to be noticed by the releasing Court.

(JITENDRA CHAUHAN)
JUDGE

(ARCHANA PURI)
JUDGE

03.03.2020

anju

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No