

CRWP-1439-2020

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

227

CRWP-1439-2020

Date of Decision: 12.03.2020

SHEELU

....Petitioner

VS

STATE OF HARYANA AND OTHERS

....Respondents

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

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

Mr. Vikrant Pamboo, D.A.G., Haryana.

JITENDRA CHAUHAN, J. (ORAL)

The petitioner has approached this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 11.11.2019 (Annexure P-1) passed by respondent No.2, whereby application seeking temporary release on parole for repair of house, was declined, and further prayed for issuance of a writ in the nature of mandamus, seeking directions to release the petitioner on parole for a period of four weeks under Section 3(1)(d) read with Section 3(1)(a) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, on the ground to repair his house and also to look after his ailing father, who is stated to be suffering from cancer.

Written statement on behalf of the State has been filed in the Court today and the same is taken on record.

Learned counsel for the petitioner states that father of the petitioner is suffering from cancer and his house needs to be repaired as the same is in dilapidated condition. He further states that the petitioner is not involved in any other FIR and the said fact is duly acknowledged by the learned State Counsel. He also states that release of the petitioner

on parole will not endanger the security of the State.

On the other hand, Learned State Counsel opposes the prayer made in the petition and submits that as per the report of Engineer Public Works Department (Land and Highway), house does not require any repair. Further, learned State Counsel fairly acknowledges the fact that there is no report to the extent that his release will endanger the security of the State.

We have heard learned counsel for the petitioner as well as learned State Counsel.

Though Engineer Public Works Department (Land and Highway), in its report, has reported that the house in question does not require any repair, but it is for the family to decide whether the repair is required or not. The petitioner is not involved in any other FIR. Moreover, his release will not endanger the security of the State. Precisely, considering the said facts, the petitioner is entitled to be released on parole. In the circumstances, 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 four weeks. The date and time of surrender is to be noticed by the releasing Court.

(JITENDRA CHAUHAN)
JUDGE

12.03.2020

Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No