

Sr. No. 205

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

CRWP-3511 of 2020 (O&M)

Date of Decision: 17.06.2020

Satish

...Petitioner

Versus

State of Haryana & Ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Rahul Deswal, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, DAG Haryana.

ARUN MONGA, J. (ORAL)

1. Through the instant petition, the petitioner, who is presently undergoing life imprisonment, in a case under Section 302 IPC and Section 25 of Arms Act, has sought his release on parole for agricultural purposes as provided under Section 3(1)(a) of the Haryana Good Conduct Prisoners(Temporary Release) Act, 1988.

2. Learned counsel for the petitioner submits that the petitioner is in in jail since 05.02.2008. He was convicted on 26.11.2009 and his appeal bearing CRA-D-20-DB of 2010 has already been dismissed by this Court. He further submits that time and again the petitioner had availed parole and he was lastly granted the benefit of parole from 22.01.2020 to 07.02.2020. He was to surrender before the Jail Authorities on 07.02.2020, which he did but with some delay of few odd minutes, as a result he was administered warning by the Jail Authorities. However, now when the petitioner applied for parole, his application has been rejected on the ground that since he has been awarded

punishment of warning, his case ought to have been considered only after six months as per Rule 9(1) of Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007. Learned counsel submits that sowing season is going and petitioner cannot be made to sit till 07.08.2020 as by that time, there will be no harvesting season. According to learned counsel, before inflicting the punishment of warning, the Jail Authorities have not adhered to law laid down in **Sunil Batra Vs. Delhi Administration 1980 SCC(3) 488**, as no judicial appraisal thereof was done.

3. On the other hand, learned State counsel submits that the case of the petitioner has rightly been rejected by the Jail Authorities in view of the punishment of warning awarded to him.

4. Having heard learned for the petitioner as well as learned State counsel, I am of the view that petition deserves to be allowed. There is no dispute to the fact that earlier when petitioner was released on parole, he was required to surrender before the Jail Authorities on 07.02.2020, which he apparently did. What has been mentioned in the note is that he surrendered little after lock-up time, resulting into imposition of penalty of warning. Only on account of the fact that he was awarded punishment of warning, without having judicial appraisal thereof, does not seem to be a valid ground for declining his request for parole, in view of law laid down in Sunil Batra's case, *ibid*. Not only that, if the petitioner is made to wait till 07.08.2020 for consideration of his case to carry out agricultural pursuits, it will amount to frustrating the very purpose of parole as by that time the sowing season will come to an end and would cause serious prejudice to petitioner.

5. In the circumstances, the petition is allowed. Petitioner shall be released on parole to carry out agricultural pursuits for a period of six weeks

from tomorrow, subject to his furnishing bail bonds and surety bonds to the satisfaction of Superintendent, District Jail, Panipat. The petitioner is directed to surrender before the Jail Authorities on 29.08.2020 well before lock-up time.

17.06.2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No