

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Writ Petition No.8585 of 2020

Date of Decision: *November 09, 2020*

Pala Singh

..... PETITIONER(S)

VERSUS

State of Haryana & others

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

. . .

PRESENT: - Mr. Susheel Gautam, Advocate, for the petitioner.

Mr. Parveen Kumar Aggarwal, Deputy Advocate
General, Haryana.

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Sant Parkash, J

This petition has been preferred by petitioner – Pala Singh under Article 226/227 of the Constitution of India, seeking issuance of a writ in the nature of mandamus, directing respondent No.2 – Commissioner, Karnal Division, District Karnal, to grant him parole for 6 weeks for agriculture purpose under Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short, ‘Act’) after setting aside order dated 24.09.2020 (Annexure P-1) passed by respondent No.2.

The petitioner is undergoing sentence of 15 years in case FIR No.361 dated 01.09.2002 under Section 15 of the Narcotic Drugs &

Psychotropic Substances, 1985 registered with Police Station, Chandni Bagh, Panipat, and is presently confined in District Jail, Karnal.

Learned counsel for the petitioner contends that petitioner is in custody since the year 2002 and there is no complaint against him during his stay in jail. He is in possession of 2 acres of agriculture land. He applied for agriculture parole through jail, which was not entertained by the respondent authorities. Consequently, this Court, in a petition filed by the petitioner, ordered the respondents to pass a speaking order on his application, pursuant to which, respondent No.2, vide order dated 24.09.2020 rejected the parole application of the petitioner on the ground that petitioner falls under the Hardcore Category as per the Act. However, petitioner has almost completed 5 years period of restriction of granting parole to the Hardcore criminal under the provisions of the Act.

Learned counsel for the State has opposed the prayer made in the petition while submitting that petitioner comes under hardcore category under the Act and he earlier jumped parole on two occasions and thus, he is not entitled to be released on parole.

I have heard learned counsel for the parties and gone through the record.

The sole ground raised by the petitioner was that he has to perform agriculture work on his land. As far as agriculture work is concerned, petitioner has his wife and two major sons, who can very well perform agriculture work and take care of his land. Moreover, the ground for parole for agriculture purpose is not sufficient and reasonable or exceptional ground to extend the concession of parole. Besides, as per letter dated 8818 dated 17.08.2020, of Superintendent, District Jail, Karnal, there are three

more cases on the petitioner in which he is also a convict, however, undergone in one case. Also, petitioner falls under Hardcore Category under the provisions of the Act.

It is also pertinent to mention here that petitioner was earlier released on 19.09.2008 for agriculture parole for 6 weeks and had been instructed to remain present in jail on 01.11.2008 but he escaped. Ultimately, he was arrested by police and was lodged in jail on 30.05.2011 in case FIR No.24 of 2009 under Section 8/9 of the Act. On second occasion, he was again released on 28.04.2015 for agriculture work for 6 weeks and again escaped on 10.06.2015 i.e. the date on which he was required to appear in jail. He was arrested by police and was lodged in jail on 03.12.2017 in case FIR No.550 of 2015 under Section 8/9 of the Act.

Granting and refusal of parole is the subjective satisfaction of the concerned authority because the factual aspects are gathered by an authority which is empowered to do so. This Court should refrain itself from interfering into the matter where factual aspects are involved.

Keeping in view the facts & circumstances of the case, the present criminal writ petition is dismissed being devoid of any merit.

**(Sant Parkash)
Judge**

November 09, 2020
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No