

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-1342-2019 (O&M)
Date of Decision:- 16.1.2020

Anil	Versus	... Petitioner
State of Haryana and others		... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arjun Sheoran and Ms. Amrita Garg, Advocates,
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this court seeking grant of parole so as to enable him to get his two children admitted in school.
2. Learned counsel for the petitioner has submitted that children namely Arpit and Anant, who are presently aged about 3 years and 5 years respectively are required to be admitted in school but the school authorities where he is contemplating to get the children admitted are insisting upon the presence of the father of the children. The learned counsel in this regard has drawn the attention of this court to a certificate issued by the management of the school i.e. Geeta Vidya Niketan High School, Meham, Rohtak (Annexure P-3), the operative portion of which reads as follows:

“School Administration Maham, District Rohtak certify that
Anil s/o Sh. Satywan, resident of Paras Wala Mohalla, Near

Ravidass Mandir, Maham, who at present is undergoing the imprisonment for 10 years in Sunaria Jail, Rohtak. The convict have two children, who are the students of our School, whose admission is necessary, but according to the Rules of School, the presence of father of the children is necessary as the formalities of the school are very necessary to be completed as per Rules and the School Administration strongly recommend to release Anil S/o Sh. Satywan on parole for the admission.”

3. Pursuant to issuance of notice of motion the learned State counsel has today filed reply wherein a stand has been taken that since the release of the petitioner on parole is likely to endanger the security of the State, therefore, he is not entitled to be released as such. The learned State counsel has drawn the attention of this Court to the impugned order dated 7.8.2019 (Annexure P-11) wherein the request of the applicant for release on parole had been declined on account of the report of the DSP who had reported that the possibility of the petitioner committing breach of peace or absconding cannot be ruled out.
4. Learned counsel for the petitioner has submitted that in the present case when the case of the petitioner for parole was being processed, the Tehsildar of the area had recommended his case for his release on parole and had not reported anything adverse against the petitioner. It has further been submitted that the local police is somehow inimical towards the petitioner on account of the fact that the petitioner's father had instituted a complaint against the police officials wherein they had been summoned and have in fact also been charged. The learned counsel has drawn the attention of this Court to copy of chargesheet dated 11.3.2019 (Annexure P-12) in a private

complaint titled as Satyawan vs Kuldeep Singh Beniwal DSP and others wherein the charges have been framed against six accused including four police officials on the allegations that they had caused injuries to complainant Satyawan as well as to his son Anil (petitioner).

5. I have considered rival submissions addressed before this court. In view of the fact that the school authorities, in many cases insist upon presence of both the parents at the time of admission of the children especially in the initial classes, the ground set forth by the petitioner for his release on parole cannot be said to be unjustified especially since his case had been recommended by Tehsildar and nothing adverse was reported therein. Although it appears that the children of the petitioner are presently going to school but since it had been submitted by learned counsel that some essential formalities are yet to be completed, therefore, the petition is accepted and the impugned order is hereby set aside.
6. The petitioner is ordered to be released on parole for one week i.e. upto 24.1.2020, subject to his furnishing adequate sureties to the satisfaction of District Magistrate, concerned. The petitioner shall surrender back before the jail authorities concerned by the evening of 24.1.2020.

January 16, 2020

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No