

CRWP-1341-2019

Date of Decision: 30.01.2020

Devi Lal

... Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MRS. JUSTICE ARCHANA PURI**Present: Mr. Ravinder Bangar, Advocate
for the petitioner(s).

Mr. Sukhdeep Parmar, D.A.G., Haryana.

JITENDRA CHAUHAN.J.(ORAL)

This petition under Articles 226/227 of the Constitution of India in the nature of Certiorari for quashing the order dated 15.07.2019 (Annexure P-1) and further for issuance of a writ in the nature of mandamus for directing the respondents to release the petitioner on parole for four weeks for house repair.

Learned counsel for the petitioner states that the house of the petitioner is in a very bad condition and needs repair. He further submits that there is no previous criminal history of the petitioner . He further submits that the conduct of the petitioner has been good in the jail during the period of his sentence.

Learned counsel for the petitioner further submits that no injury was caused to the victim and as per the case of the prosecution, the victim was in the custody of the petitioner for approximately 03 hours. He further submits that the petitioner has undergone more than 06 years out of the total sentence.

On the other hand, learned State counsel opposes the prayer made by learned counsel for the petitioner and submits that there is likelihood of breach of peace in case the petitioner is released on parole. He further submits that the house is in good condition and no repair is required.

Heard.

The petitioner was released on interim bail from 02.03.2016 to 18.03.2016 and he did not misuse the said concession.

There is no concrete evidence which can be made basis for the apprehension of the Jail authorities that the release of the petitioner is likely to endanger the security of the State and maintenance of public order.

In view of the above, the present petition is allowed and the petitioner is granted parole for four weeks subject to furnishing surety bonds to the satisfaction of the Duty Magistrate. The petitioner shall surrender before the jail authorities on the date and time to be noticed by the releasing Court/ Duty Magistrate.

(JITENDRA CHAUHAN)
JUDGE

(ARCHANA PURI)
JUDGE

30.01.2020

ps-I

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