

224-A

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

CRWP No.1577 of 2019

Date of Decision: 07.02.2020

Vinod @ Jitender @ Dhilla

.....Petitioner

Vs

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for grant of agriculture parole for six weeks in view of Section 3(1)(c) of the Haryana Good Conduct Prisoners Temporary Release Act, 1988 and for setting aside the order dated 31.10.2019 passed by the Commissioner, Karnal Division, District Karnal.

Petitioner is undergoing life sentence under Section 302 IPC and other related offences. Parole of the petitioner has been declined on the ground that there is no land in the name of the petitioner as 16 bighas 1 biswa of land is recorded in the name of his father, who is cultivating the same. Prayer has been

declined in view of rigour of Section 6(1) Amended Act of 2012 of the Haryana Temporary Good Conduct Prisoners (Temporary Release) Act.

Learned counsel for the petitioner submits that the petitioner has already availed different paroles for different purposes, the details of which are given in Annexure P-2.

Perusal of Annexure P-2, would show that the petitioner has availed parole on 15 different occasions for different purposes and he had surrendered on time. Panchayat has also recommended the case to the effect that there is no apprehension of breach of peace in the village in case, the petitioner is granted parole for agriculture purpose.

Petitioner has undergone 12 years 28 days of actual sentence after conviction. He remained as under-trial for 2 years, 3 months, 4 days. In this way, actual period undergone by the petitioner is 13 years, 6 months, 17 days as on 25.12.2019.

The impugned order appears to be non-speaking with regard to the alleged apprehension of the Authority that the release of the petitioner on parole would disturb the public peace and tranquility of the area.

In view of facts and circumstances of the case, I deem it appropriate to set aside the impugned order and direct the Authority to grant parole to the petitioner for requisite period

subject to terms and conditions to be imposed by the Authority
in accordance with law.

07.02.2020

(RAJ MOHAN SINGH)
JUDGE

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No