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

**\*\*\*\***

**CRWP-1483-2019 (O&M)  
Date of Decision: 16.03.2020**

**\*\*\*\***

Anil Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Ms. Sarla Chaudhary, Advocate,  
for the applicant-petitioner.

Mr. Karan Sharma, AAG, Haryana.

**SUDIP AHLUWALIA, J. (ORAL)**  
**CRM-W-155-2020**

Applicant-petitioner is permitted to place on record the document/Affidavit marked as Annexure P-4.

Application stands disposed off.

**CRWP-1483-2019**

[1]. Through this criminal writ petition filed under Articles 226/227 of the Constitution of India, the petitioner prays for agricultural parole for a period of six weeks in view of Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, by setting aside the order dated 13.09.2019 passed by the Divisional Commissioner, Rohtak, Division, Rohtak-I, whereby application moved by the petitioner for grant of parole has been rejected.

[2]. Reply by way of Affidavit of Deputy Superintendent, District Jail, Rohtak has been filed on behalf of the State.

[3]. Heard both sides.

[4]. The petitioner, in the present case, who is a convict in FIR No.90 dated 06.03.2014, under Sections 302 & 34 of the IPC and Section 25 of the Arms Act of Police Station Civil Lines, Rohtak, has assailed the impugned order dated 13.09.2019, passed by the Divisional Commissioner, Rohtak Division, Rohtak (Respondent No.2).

[5]. In the said order, the petitioner's application for parole which was recommended by the Superintendent of Jail, where he is presently incarceration, was nevertheless rejected by respondent No.2 on the basis the report of the Superintendent of Police, Jhajjar, which was agreed to by the District Magistrate, Jhajjar (Respondent No.3). The petitioner had sought his release ostensibly to help his father in the agricultural work to be done in his father's land but according to the Superintendent of Police, Jhajjar, *“that land is in the name of his father and the prisoner's family do not do agricultural work, their land is cultivated by the uncle (Chacha) of the prisoner, therefore, the parole is not recommended”*.

[6]. In Addition, the parole was declined on account of the fact that the petitioner was also involved in three other criminal cases bearing FIR No.5/2017 of Police Station Jhajjar; FIR No.266/2015 of Police Station Shivaji Colony, Rohtak and FIR No.135/2014 again of Police Station Shivaji Colony, Rohtak. It, however, transpires from the impugned order itself that the petitioner was already acquitted in the first two cases mentioned above, while he had already been granted bail in the last case.

[7]. Further, on perusal of the documents filed by the petitioner, it is seen that the Sarpanch of the Gram Panchayat, Kulasi, has specifically mentioned in his report, Annexure P-2, that the petitioner's father has 7 acres of land in Village Kulasi, District Jhajjar, on which he does

agricultural work himself and that the help of his only son Anil Kumar i.e. the petitioner, is needed for that work. Besides this, the Jamabandi (Parat Patwar) for the year 2016-17 (Annexure P-3) again goes to show that the land stands entered in the name of petitioner's father Om Kanwar and he, himself, is shown to be cultivation, thereof.

[8]. In such circumstances, this Court does find *prima facie* merit in the petitioner's claim. The summary rejection of his application for parole as done in the impugned order would not appear to be proper.

[9]. The petition is, therefore, disposed off after setting aside the impugned order and with a direction upon respondent No.2 to take a fresh decision upon petitioner's application, after also examining the veracity of documents relied upon by him and pass an appropriate order within four weeks from the date of communication of this order.

**16.03.2020**

*Bhumika*

**(SUDIP AHLUWALIA)  
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No