

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

CRWP No.1692 of 2019

Date of Decision : 26.02.2020

Raj Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Smt. Sarla Chaudhary, Advocate
for the Petitioner.

Mr. Ripu Daman, Asstt. Advocate General, Haryana.

SUDIP AHLUWALIA, J. (ORAL)

Perused.

2. It transpires that after his initial conviction in case FIR No.174 of 2005, the Petitioner was acquitted by this Court. He is, thereafter, alleged to have attacked the Complainant in the previous FIR, on account of which, he was tried for the offence under Sections 307/34 of the IPC and awarded Life Imprisonment, which sentence was subsequently, however, modified by this Court and reduced to Rigorous Imprisonment for 07 years.

3. By now, the Petitioner has undergone imprisonment of nearly 03 years, as seen from the Reply dated 21.01.2020 of the State.

4. His prayer for Parole was declined in view of the apprehension that he was actually planning to again commit the murder of the Complainant.

5. But, in the opinion of this Court, at this stage, after passage of so much time following Petitioner's commission, the aforesaid ground for rejection, cannot be treated as altogether tenable especially in view of the fact that the Sarpanch of the concerned Village in his Certificate (Annexure P-2) has specifically mentioned that there is no apprehension of breach of peace if the Petitioner comes to the village.

6. In such circumstances, the impugned order passed by the Divisional Commissioner, Gurgaon, Civil Lines (Annexure P-1) is hereby set aside and the Petitioner, for agricultural purpose, is directed to be released on Parole subject to the condition that Sarpanch of the concerned Village and another surety, shall furnish a surety bonds of Rs.2,00,000/- each regarding his good conduct during the period of Parole. The Petitioner, shall be released after submission of the relevant bonds by the Sureties and shall himself surrender at the Jail Gate exactly 06 weeks, thereafter.

February 26, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No