

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

CRWP No.2240 of 2019

Date of Decision: January 23, 2020

Amit alias Tinku

...Petitioner

VERSUS

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr.Randeep Singh Dhull, Advocate
for the petitioner.

Mr.Vikrant Pamboo, Deputy Advocate General, Haryana
for the respondent-State.

JITENDRA CHAUHAN, J.

This criminal writ petition has been filed under Article 226/227 of Constitution of India read with Section 3 sub section (1) (c) and Section 2 (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for direction to the respondents to release the petitioner on parole for a period of six weeks to enable him to do agriculture operation.

Learned State counsel has filed the short reply and the same is taken on record.

As per the reply, the petitioner is undergoing life imprisonment in case FIR No.438 dated 15.09.2015 registered under Sections 302, 34 IPC and Section 25 of the Arms Act at Police Station, Meham.

Learned State counsel submits that the parole was declined by

the authorities on three grounds i.e. i) a cell phone was recovered from him,

when he was lodged in Central Jail, Karnal, ii) he is a member of some notorious gang, and iii) owns only 1 kanal of land. However, all the three assertions of the State, are against the record.

As per order dated 06.09.2019 (Annexure P-2), this Court has already held that recovery of cell phone does not put the petitioner in the category of hardcore prisoner. As per the record, against assertion of the State, the family of the petitioner owns 8 kanals of land and petitioner is not involved in any other FIR.

As the petitioner is not involved in any other FIR, this Court is not impressed by the assertions of the State that he is a member of some notorious gang.

In these circumstances, the present petition is allowed and the petitioner is granted agriculture parole for six 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

January 23, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No