

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-270-2020

Date of decision : 25.11.2021

Ranbir

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr.Manish Dadwal, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is a criminal writ petition under Articles 226/227 of the Constitution of India read with Section 3 sub sections (1) (c) and Section 2 (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, for issuing writ in the nature of certiorari for quashing of the order dated 06.12.2019 (Annexure P-1) passed by the Commissioner Karnal, Division Karnal, District Karnal, vide which respondent no.2 has declined the grant of parole to the petitioner.

Learned counsel for the petitioner has submitted that the petitioner was convicted and sentenced in FIR no.413 dated 30.12.2004 registered under Sections 302, 307, 34 IPC at Police Station Model Town, Panipat and the appeal filed by the petitioner was dismissed by this Court on 26.04.2011. It is further submitted that the petitioner had applied for

dated 06.12.2019, it was noted that the District Magistrate, Panipat, had informed that the petitioner had two acres of agricultural land in his name, and he had not cultivated the undivided agricultural land of his father, and he had not given his agricultural land on lease or contract to anyone and the District Magistrate, Panipat, recommended the release of petitioner on parole. However, the same was rejected on the ground that the petitioner had availed parole for admission of his children and got readmitted in jail on 15.09.2019. Learned counsel for the petitioner has further submitted that the sole reason for rejection is no more relevant inasmuch as it has been more than two years even thereafter that the petitioner has not availed parole, moreso, on the ground for doing agricultural work.

Learned State counsel has opposed the present petition and has referred to the reply filed by him.

This Court has heard learned counsel for the parties.

A perusal of the impugned order would show that the petitioner was recommended to be released on parole by the District Magistrate, Panipat and the application was declined primarily on the ground that he was released on parole in the year 2019 for admission of his children and was readmitted in jail on 15.09.2019. The said reason does not survive any more inasmuch as, as per learned counsel for the petitioner, it has been more than two years of passing of the said order for not granting parole to the petitioner. A perusal of the reply would also show that in paragraph 3 of the same (on merits), it is submitted that the petitioner has availed parole and furlough for about 30 times and has surrendered on time and never misused the same.

Keeping in view the abovesaid facts and circumstances, the

present petition is allowed and the impugned order dated 06.12.2019 is set aside with a direction to respondent no.2 to pass a fresh order with respect to the parole to be granted to the petitioner in order to do agricultural work by considering the fact that for the last two years, the petitioner has not come out on parole. The said decision be taken within a period of 8 weeks from the date of receipt of certified copy of the present order.

(VIKAS BAHL)
JUDGE

November 25, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No