

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

**CRWP No. 670 of 2021
Date of Decision: 05.03.2021**

Sombir Petitioner
Versus
State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Parveen Sharma, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

SANT PARKASH, J. (ORAL)

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

The present criminal writ petition has been filed under Article 226/227 of Constitution of India seeking issuance of a writ in the nature of certiorari for quashing the order dated 23.10.2020 (Annexure P-4) whereby the application of the petitioner for grant of parole for four weeks has been dismissed and also for issuance of a writ in the nature of mandamus for direction to the respondents to release the petitioner on furlough for a period four weeks to meet the family members

The petitioner was tried in FIR No. 440 of 2010 registered under Section 302 IPC, 1860 and Sections 25, 54 and 59 of Arms Act, 1959 at Police Station Jhajjar, District Jhajjar and accordingly, he has been convicted and sentenced for life imprisonment. Against the judgment of conviction and order of sentence, petitioner filed an appeal before this Court, which is still pending and stands admitted.

Learned counsel for the petitioner submits that the petitioner had moved an application dated 05.03.2020 to the respondent No. 4-Superintendent of Jail, District Prison Jhajjar (Haryana) for grant of parole for a period of four weeks but the respondent No. 4 vide his letter dated 06.03.2020 (Annexure P-1) declined the request of the petitioner. Thereafter, the petitioner approached the concerned higher authorities for grant of parole. The Gram Panchayat Bamnola i.e. the village of the petitioner, issued letter dated 10.07.2020 (Annexure P-2) stating therein that in case the petitioner is released on parole, he will not disturb the peaceful atmosphere of the village and requested for the release of the petitioner on parole. The case of the petitioner was heard by the respondent No. 5-District Magistrate, Jhajjar for recommendations regarding parole but vide letter dated 07.10.2020 (Annexure P-3) did not recommend to grant parole to the petitioner observing therein that although the Sub Divisional Magistrate, Badli and Superintendent, District Prison, Jhajjar had recommended to grant parole to the petitioner, but during the earlier parole from 14.04.2015 to 22.06.2015, the petitioner had absconded for two months and eight days. Thereafter, respondent No.3-Divisional Commissioner, Rohtak Division, Rohtak vide order dated 23.10.2010 (Annexure P-4) dismissed the application of the petitioner. Learned counsel further submitted that the act and conduct of the petitioner inside the jail is good and he has not committed any offence inside the jail. He also submits that the case of the petitioner is covered under Sections 3(1)(d) and 4(1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Per contra, learned State counsel submits that there is every possibility that the petitioner would abscond if he is granted the concession of parole as he had absconded for two months and eight days during his earlier parole period from 14.04.2015 to 22.06.2015 and there are four other criminal case which are registered against the petitioner.

After having heard learned counsel for the parties and perusing the paper book, this Court is of the considered opinion that the authority rejecting the parole has exercised its jurisdiction on the basis of the facts collected for considering the request of the petitioner for releasing him on parole. It has been specifically mentioned in the order dated 23.10.2020 (Annexure P-4) that the peaceful atmosphere of the village can be disturbed if the petitioner is granted the concession of parole as the petitioner had already absconded for 02 months and 08 days and four other cases are also registered against him. If such type of convict is enlarged on parole, there is every apprehension that he would indulge himself in the similar activity and would abscond. Moreover, the ground taken in the petition i.e. to meet with his family members, does not appeal to logic at all and cannot be said to be justifiable ground for granting the concession of parole.

Otherwise also, it is the subjective satisfaction of the authority concerned to evaluate the circumstances seeking parole. Unless and until some arbitrariness or malafide is apparent in the order of the said authority, only then, this Court should intervene under Article 226 of the Constitution of India.

In view of the above, we do not find any merit in the instant petition and same is accordingly dismissed.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

05.03.2021
Maninder

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