

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

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CRWP No.3597 of 2021

Date of Decision: November 8th, 2021

Naresh @ Ghisu

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court by way of present petition praying for issuance of a writ of certiorari for quashing of the order dated 25.02.2021 (Annexure P-1) vide which the Divisional Commissioner, Karnal Division, Karnal, has rejected the agricultural parole prayer of the petitioner on the ground that the agricultural land is not in the name of the petitioner.

Counsel for the petitioner has asserted that the petitioner is the original owner of the land and it is after the conviction that the transfer deed was entered into by the father of the petitioner in the name of his grandsons namely Ravi and Rahul sons of Naresh (petitioner) and Vinod and Sahil sons of Jagmender Singh. This exercise has taken place on 11.02.2020, which factum has been now verified on directions issued by this Court by the Deputy Superintendent, District Jail, Panipat. He contends that in the light of this factual position, there being no person to take care of the land and ploughing it and his both sons are residing outside the village, the agricultural parole may be granted to him.

Counsel for the State, in compliance with the earlier order, which has been passed by this Court, filed affidavit dated 06.11.2021 of the Deputy Superintendent, District Jail, Panipat, where in para 4 of the said affidavit, the factum with regard to the fact that transfer of the immovable property within blood relation was done on 11.02.2020 stands acknowledged. Even the document has been placed on record as Annexure R-1.

Keeping in view these factual assertions, we do not find any ground for not granting the prayer of the petitioner for releasing him on agricultural parole.

The impugned order dated 25.02.2021 (Annexure P-1) passed by the Divisional Commissioner, Karnal, is, therefore, set aside.

Petitioner is directed to be released on parole for a period of six weeks for agricultural purposes.

The petition stands disposed of accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 8th, 2021
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No