

In the High Court of Punjab and Haryana at Chandigarh

**CRWP No. 3565 of 2021
Date of Decision: 01.9.2021**

Ajmer

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Susheel Guatam, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Article 226 of the Constitution of India for issuance of a writ directing respondent No. 2 to grant four weeks' parole to the petitioner for repair of the house, under Section 3(1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 and to set aside the order dated 25.2.2021 (Annexure P-1), passed by the Commissioner, Karnal Division, District Karnal.

Learned counsel for the petitioner submits that the petitioner is a life convict and has applied for parole for the repair of his house, which was rejected vide the impugned order dated 25.5.2021 (Annexure P-1) on the ground that a mobile phone was recovered from him on 21.8.2016. He further submits that vide order dated 4.4.2019, passed by a Co-ordinate Bench of this Court, the petitioner was granted parole while relying upon

the decision passed by a Division Bench of this Court in ***CRWP No. 1374 of 2017***, titled ***Gurdeep Singh versus State of Haryana and others***, decided on ***07.12.2017***. Learned counsel also submits that so far as FIR No. 735 dated 28.8.2016 under Section 42 of the Prisons Act, 1894, registered at Police Station Sadar Karnal, is concerned, the petitioner has been acquitted in the said case on 18.8.2021.

On the other hand, learned State counsel submits that the statutory period of five years is over and the case of the petitioner for grant of parole, can be re-considered by the department.

Keeping in view the above, the present petition is disposed of with a direction to Commissioner, Karnal Division, District Karnal-respondent No. 2 to consider the case of the petitioner afresh, for grant of parole.

(HARNARESH SINGH GILL)
JUDGE

September 01, 2021
Gurpreet

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