

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.225

CRWP-7182-2021

Date of Decision:07.12.2021

Sanjeev @ Kallu

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Ms. Garima Sharma, Advocate,
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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

SANT PARKASH, J.

Instant petition has been filed under Article 226/227 of the Constitution of India for issuance of directions to the respondents for grant of parole to the petitioner for a period of six weeks on account of repair of the house. Further prayer is made for quashing the order dated 01.06.2021 (P-1) passed by the learned Commissioner, Karnal Division, Karnal, whereby the application of the petitioner for grant of parole has been dismissed.

The petitioner was convicted and sentenced in FIR No.270 dated 12.08.2016, under Section 379-A/34 IPC, registered at Police Station Kurukshetra University, Kurukshetra and accordingly, he has been convicted and sentenced to undergo 06 years rigorous imprisonment.

Learned counsel for the petitioner submits that the petitioner applied for grant of parole before the concerned jail authorities on the ground of repair of his house but his request has not been considered by respondent No.2 on the ground that he has not sufficient ground.

On the other hand, learned State counsel strongly opposes the prayer made by learned counsel for the petitioner contending that there is every possibility that the petitioner would be abscond if he is granted the concession of parole. He further submits that there are four other criminal cases registered against the petitioner.

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 his release on parole. It has been specifically mentioned in the order dated 01.06.2021 (P-1) that the petitioner/prisoner comes under the hardcore category of the amended Parole Act, 2013 as he had been convicted in four other cases for the commission of same offence, i.e. under Section 379 IPC. Moreover the ground taken in the petition, i.e. to repair house, 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, I do not find any reason to interfere in the matter as the same has been considered after taking into consideration all the facts collected for considering the request of the petitioner for releasing him on parole. Accordingly, the present criminal writ petition is dismissed.

07.12.2021
mks

(SANT PARKASH)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO