

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

CRWP NO.8335-2021
Date of Decision: 06.09.2021

VIJAYPAL

....PETITIONER..

Versus

STATE OF HARYANA AND ORS.

....RESPONDENTS

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

Present : Mr. Krishan Singh, Advocate,
for the petitioner.

Mr. Vivek Saini, Addl.A.G., Haryana.

SANT PARKASH , J.

Instant petition has been filed under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. along with Section 3 (1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short, "Act") to release the petitioner on parole for six weeks for the agriculture purpose and to quash the impugned order dated 15.07.2021 (Annexure P-1).

The petitioner was tried in FIR No.180 dated 06.07.2015, under Section 302 IPC registered at Police Station Baroda, District Sonipat and accordingly, he has been convicted and sentenced for life imprisonment. Against the judgment of conviction and order of sentence, the petitioner filed an appeal before this Court, which has already been dismissed by

this Court.

Learned counsel for the petitioner submits that the petitioner is having six kanal of agriculture land in the village and he is cultivating the same and except the petitioner there is no other family member to do the agricultural work. He further submits that earlier the petitioner was released on special parole due to covid-19 on 07.04.2020 and during the period of parole, a false FIR No.457 dated 07.10.2020, under Sections 427 and 452 IPC, Police Station City Gohana was lodged against him on 07.10.2020, regarding which, the complainant has filed affidavit dated 07.10.2020 mentioning therein that she had lodged the aforesaid FIR in wrong impression.

Learned counsel for the petitioner further submits that earlier the petitioner moved an application before Superintendent District Jail, Panipat for seeking parole for agriculture purpose and his case was sent to the Divisional Commissioner, Ambala Division, after completing all the formalities. But the parole case of the petitioner was rejected vide order dated 15.07.2021 (Annexure P-1) on the basis of report of the Superintendent of Police, Sonapat Yamunanagar and that the District Magistrate, Sonapat, has not recommended to release the convict on parole on the ground that the petitioner is habitual criminal and he was found involved in two criminal cases while on parole and if the convict is released on parole, peace in the area may be disturbed.

Perusal of record reveals that there are mother, brother, bhabhi and two children in the family of the petitioner and in our considered view they can certainly cultivate the agricultural land. Moreover, the petitioner

is not the sole owner of the agricultural land.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the instant petition to seek the remedy in accordance with law.

Dismissed as withdrawn with aforesaid liberty.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

06.09.2021
sonika

whether speaking/reasoned: Yes/No
whether reportable: Yes/No