

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

CRWP-9841-2021
Date of Decision :08.11.2021

Ajay Singh ...Petitioner

Versus

State of Haryana and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Prateek Rathee, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

THROUGH VIDEO CONFERENCING

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
183	04.10.2010	Salhawas, District Jhajjar	395, 396, 120-B IPC & 25/27 of Arms Act

The petitioner who is undergoing his sentence in the case captioned above, has come up before this Court under Article 226 of the Constitution of India for grant of parole.

2. Vide accompanied Annexure P-2, the wife of the petitioner had presented to the concerned Jail Superintendent requesting to release the petitioner on parole. Vide communication P-1, the Jail Superintendent rejected the parole on the ground that the rules did not permit the same because he had not completed 5 years of incarceration.

3. Feeling aggrieved, he has filed the instant writ petition on the ground that the petitioner has never been released on parole whereas he was sentenced on 25.09.2014. The specific reason for parole is to harvest the agriculture which is the main source of sustenance for the family.

4. In the reply filed by the State, the request for release on parole has been opposed on the ground that as per Section 2(aa) (i) (2) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act 2013 and Section 2(2) of amended Act, 2015, the petitioner is a hardcore prisoner, he is not entitled to parole unless he has completed 5 years of imprisonment after conviction.

CRWP-9841-2021

5. The petitioner has undergone more than 5 years and 7 months of sentence in the case as is apparent from paragraph 3 of the reply.

6. Although the petitioner is not entitled to get parole under the parole rules, the aura of Article 21 of the Constitution of India would remove any such restriction if the facts and circumstances justify such parole. Given the economic slowdown and hardship due to COVID-19 pandemic, coupled with the prayer made by the petitioner, and the peculiar facts and circumstances mentioned in the petition, the petitioner shall be released on parole for fourteen days, subject to furnishing requisite bonds to the satisfaction of the concerned authorities, provided the accused is not required in any other case.

7. The parole is subject to the condition that the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority during the release period and shall not repeat or commit any offence; and the violation might not entitle the similar reliefs in future.

Petition allowed.

(ANOOP CHITKARA)
JUDGE

November, 08, 2021
Poonam Sharma

Whether speaking/reasoned	Yes
Whether reportable	No