

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

CRWP-10356-2021
Reserved on :09.11.2021
Pronounced on 11.11.2021

Devender ...Petitioner

Versus

State of Haryana and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

**Present: Mr. Vivek Khatri, Advocate
for the petitioners.**

Mr. Manish Bansal, 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-3, the mother of the convict had made a written request to the concerned Jail Superintendent for his release on parole on the ground that due to old age she cannot harvest the standing crops and there is no else to do the job. The petitioner has also annexed the certificate from Panchayat Annexure P-4 to corroborate that there is nobody in the family and they have no objection to release of petitioner. However, vide Annexure P-5 the Superintendent of jail reject his request on the ground that the convict had not completed 5 years of sentence as per Hardcore Prisoner under Para No.2(aa) (2) (8) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act 2012, 2013 and amended Act 2014-2015.

3. Feeling aggrieved, he has filed the instant writ petition on the ground that there is nobody in the family to harvest the crops. He further submits that petitioner was earlier on bail and surrendered after the dismissal of the appeal by this Hon'ble Court. There is no threat with regard to his absconding.

4. The State has strenuously opposed the request for release on parole on the ground that the parole is not permissible under the rules. Furthermore, the petitioner is involved in a very heinous offence.

5. Learned counsel for the petitioner has stated at bar that the petitioner has in fact completed more than 5 years of sentence awarded to him. Such contention has not been opposed by the respondent/State.

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, 11, 2021
Poonam Sharma

Whether speaking/reasoned	Yes
Whether reportable	No