

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

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**CRWP No. 438 of 2022
Date of Decision: 22.02.2022**

Ranjodh Singh @ Jodha Singh

.....Petitioner(s)

vs.

State of Haryana and others

.....Respondent(s)

**CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

G.S. SANDHAWALIA, J. (Oral)

The present petition has been filed under Articles 226 and 227 of the Constitution of India praying for quashing of the order dated 22.12.2021 (Annexure P-1) whereby, the Divisional Commissioner, Ambala has declined the prayer of parole to the petitioner. The prayer is made as per the provisions of Section 3(1)(c) and Section 2(c) and Section 6 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (in short 'the Act').

It has been pleaded that the petitioner was convicted and awarded life imprisonment by the Exclusive Court for Heinous Crimes against Women, Kurukshetra in FIR No. 140 dated 04.05.2011 under Sections 341, 364, 366-A, 376(2)(g), 201, 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 25 of the Arms Act registered at Police Station Sadar Thanesar, District Kurukshetra. His criminal appeal i.e. CRA-D-1092-DB-2014 is pending before this Court and he is undergoing life imprisonment in District Jail, Kurukshetra. It has been further

pleaded that the petitioner's father has 45 bighas of land and there are 6 adult family members and that he has availed parole 8 times and the last parole he availed was for more than 1 year and he had never misused the concession granted to him. Similarly, it has been pleaded that he has also availed *furlough* several times and no adverse report is present against him. Vide the impugned order, the denial of parole was on the ground that there were adverse reports of the District Magistrate, Shamli and the Superintendent of Police since they had not recommended his case for grant of parole and, therefore, his case was rejected.

In response to the petition, reply has been filed by way of affidavit of Superintendent of Prisons, District Jail, Kurukshetra. It is admitted that he had earlier availed parole/special parole 5 times and always surrendered in time in jail after availing his parole. No adverse order had been received from the local police, Shamli during his parole period. The factum that the father owns land and there are 6 adult members was also admitted.

In the considered opinion of this Court, the impugned order as such is apparently an order without any reasons and without calling for the record and proper application of mind. The purpose and the provisions of the Act have been lost sight by the authority. The factum that the petitioner has been released on parole several times which has been admitted is a matter of record. Therefore, merely on the ground that there is a mechanical report of the local authorities that there will be breach of peace would not be sufficient as such to deny the benefit of parole. The Division Bench in ***Arun Kumar vs. State of U.T., Chandigarh and others, 2011 (2) AICLR 361*** held that release of convict on parole is a wing of reformatory process. The provisions of the Act have been enacted as a reformatory measure with an object to enable the

prisoner to have family association or to perform certain family obligations and rituals. Sufficient material should be available and there should be solid reasons for declining temporary release on parole.

Similarly, in *Ram Chander vs. State of Punjab and others, 2017 (3) RCR (Crl.) 340*, it was held that in the absence of any material before the District Magistrate, denial of benefit of parole as such would not be justified which was being prayed for, for meeting the family members.

Keeping in view the settled principle of law that the benefit of parole is a reformatory process and the fact that the petitioner had been released earlier and surrendered back in time, the rejection as such in the considered opinion of this Court is on account of non-application of mind.

Accordingly, impugned order dated 22.12.2021(Annexure P-1) cannot be sustained and is quashed. The criminal writ petition is allowed. The petitioner be released on parole for a period of 6 weeks on furnishing the requisite bail bonds to the satisfaction of the competent authority and he shall surrender back in time in the jail on the expiry of the said period after his release.

(G.S.SANDHAWALIA)
JUDGE

22.02.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No