

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

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**CRWP-791-2022
Date of decision: 31.01.2022**

USMAN ALIAS BABLU

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA
HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present : Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. Aman Bahri, Additional AG Haryana.

TEJINDER SINGH DHINDSA. J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed seeking a *mandamus* for directing the second respondent i.e. Commissioner, Karnal Division, District Karnal to release the petitioner on parole for a period of 04 weeks for conduct of house repairs.

Pleadings on record would indicate that the petitioner is a life convict and is currently serving out his sentence at District Jail, Karnal.

The appeal preferred by the petitioner against the judgment of conviction is pending adjudication before this Court.

We have heard counsel at length.

It has been urged that the petitioner is entitled to be released on parole for house repairs in view of the provisions of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. Reliance has been placed upon a certificate at Annexure P-4 issued by a member of the Municipal Corporation

Council, Kairana (Shamli) to the effect that house of the petitioner needs repairs and that there would be no disturbance of peace, if he is released on parole.

Counsel has adverted to the set of three photographs appended at Annexure P-3 to substantiate his assertion that the house is in need of repairs.

We have perused the order dated 09th December, 2021, passed by the Commissioner, Karnal Division, Karnal at Annexure P-2 in terms of the request of the petitioner for parole on house repair has been declined.

Such order clearly recites that an inspection of the petitioner's house was carried out by the Executive Engineer, Provisional Block, Public Works Department, Shamli, UP and based thereupon it has been opined that the house of the petitioner is in a satisfactory condition and is not in need of repairs.

In the instant petition, there is no challenge to such report of the Executive Engineer concerned. No mala fides have been alleged against the official concerned.

There would be no occasion for this Court to disbelieve the inspection report of the Executive Engineer concerned.

We do not find any patent infirmity in the order dated 09th December, 2021 (Annexure P-2) declining parole to the petitioner on the ground of house repairs.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

(VINOD S. BHARDWAJ)
JUDGE

31.01.2022

S.Sharma(syr)

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*