

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

CRWP-1073-2022

Date of decision : 28.02.2022

(Proceedings through V.C.)

Rohit

.....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Anand Kumar , Advocate for
Mr. Sanjeev Kumar, Advocate
for the petitioner.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court praying for grant of four weeks' parole in accordance with Section 3(1)(c)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Prayer has also been made for setting aside the order dated 02.01.2022 (Annexure P-1) vide which the jail authority has rejected the claim of the petitioner for grant of agricultural parole. Reply to the writ petition has been filed wherein it has been stated as follows:-

5. "That a prisoner shall not be entitled to be released on parole/furlough if it is likely to endanger the security of the state or the maintenance of public order or cause reasonable apprehension of breach of peace as per Section 6(1) of Haryana Good Conduct Prisoners (Temporary Release) Act 1988 which has been substituted by Amendment Act 2012. Relevant part of amended Section 6(1) is reproduced as under:-

“Notwithstanding anything contained in Section 3 and 4, no prisoner shall be entitled to be released under this Act if, on the report of District Magistrate, the state government or an officer authorized by it in this behalf is satisfied that his release is likely to endanger the security of the state or the maintenance of public order or cause reasonable apprehension of breach of peace.”

6. *That parole case of the petitioner has been rejected by the Commissioner, Rohtak Division Rohtak on the ground that there are other family members of petitioner i.e. father, mother, brother and wife and they are able to do agriculture work and he may jump the parole if released and breach peace in the village.*

In the light of the above, we do not find any ground for interfering with regard to the claim of the petitioner for setting aside the order dated 02.01.2022 (Annexure P-1). Apart from that it has been asserted that the wife of the petitioner has given birth to a female child on 10.01.2022. Nothing has been indicated therein being any difficulty as far as the health of the child or the wife is concerned. Rather, it is an admitted case that the delivery was normal. In the later part of reply which has been filed to the writ petition, it is apparent that not only his brother but the mother and father of the petitioner are also there at home to take care of her.

With the above observations, present criminal writ petition stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

February 28th, 2022

ps-I

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

(SANDEEP MOUDGIL)
JUDGE

No

No