

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-1638-2022 (O&M)
Date of decision: 20.04.2022

Anil

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of temporary parole to the petitioner for a period of six weeks under Section 3 (1) (A) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Learned counsel for the petitioner submits that the petitioner is undergoing life imprisonment in District Jail, Karnal and his case was duly recommended by the Superintendent, District Prison, Karnal on the basis of report of Panchayat that he is head of the family and Gram Panchayat recommended to grant agricultural parole to him, however, the Commissioner, Karnal Division, Karnal, vide impugned order dated 21.01.2022, has declined the prayer only on the ground that if the petitioner is released on parole, there is apprehension of absenting from the process of

law and he may not surrender back.

Reply by way of affidavit of Superintendent, District Prison, Karnal is on record and in para No.4 of this affidavit, it is stated that the petitioner was granted parole/furlough six times, detail of which reads as under: -

Sr. No.	Date of release	Date of surrender	Purpose of parole/furlough	Period of parole/furlough	Status
1.	09.06.2011	22.07.2011	Agriculture	06 weeks	Surrendered on due date
2.	19.10.2011	17.11.2011	House repair	04 weeks	Surrendered on due date
3.	05.01.2012	17.02.2012	Agriculture	06 weeks	Surrendered on due date
4.	20.03.2012	18.04.2012	Child admission	04 weeks	Surrendered on due date
5.	20.04.2020	14.04.2021	Special parole	51 weeks	Surrendered on due date
6.	25.05.2021	26.09.2021	Special parole	17 weeks	Surrendered on due date

A perusal of the same would reveal that the petitioner, on all six occasions, surrendered back on due time and never overstayed the period of parole. The affidavit further speaks that though case of the petitioner was recommended by the Superintendent, District Prison, Karnal, however, the same was declined by the Commissioner, Karnal Division, Karnal, only on the ground that he may abscond, in case he is granted parole.

After hearing learned counsel for the parties and noticing the fact that on six earlier occasions i.e. from year 2011 to 2021, the petitioner was granted parole and he surrendered back on due time, I find that reasoning given by the Commissioner, Karnal Division, Karnal is totally baseless.

Accordingly, this petition is allowed and the impugned order dated 21.01.2022 passed by the Commissioner, Karnal Division, Karnal is set aside. The respondents authorities are directed to release the petitioner on agricultural parole for a period of six weeks from the date of his release.

20.04.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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