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

CRWP-2753-2022

Date of decision: 29.03.2022

MANOJ KUMAR @ SERU

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Dharamvir Sharma, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner is suffering judicial incarceration in pursuance to his becoming convicted by the learned Sessions Judge, Sonipat qua FIR No.115 of 11.04.2010, embodying therein offences constituted under Sections 302, 323, 324, 447, 148, and, 149 of IPC. The afore made verdict of conviction, and, the consequent therewith sentence of imprisonment for life hence imposed, upon the convict-petitioner herein, by the learned trial Judge, became affirmed upto the Hon'ble Apex Court. During the course of his spending judicial incarceration, he moved an application before the competent authority concerned, claiming therein relief, for his being released on parole, for ensuring his performing agricultural activity at his native place.

2. The competent authority through its order embodied in Annexure P-3 declined the claimed facility of parole, to the life convict-petitioner herein.

3. The petitioner has, as of date spent 10 years in prison. The reason which prevailed upon the authority concerned, to decline relief to the petitioner, becomes embodied in the factum, that when on 08.11.2015, he was granted two

weeks furlough, and, when the afore term was to end, on 21.11.2015, yet he did not surrender, rather he absconded, and, only after his becoming arrested, on 03.12.2015, by the police in another case, he came to be lodged in jail. Apart therefrom, the other disqualifying fact, as embodied in Annexure P-3, is comprised, in the factum of his impermissibly using a mobile phone, during his spending judicial incarceration, and, hence leading the jail authorities to launch prosecution against him rather for breach of Section 42-A of the Prison Act. Moreover, it is also mentioned in the impugned order, that the petitioner, is a hardcore criminal. Admittedly the life convict-petitioner, has completed 10 years in prison, and, apart from the afore dis-qualification(s) besetting his apposite application, no other reason has been embodied, in the impugned order.

4. Be that as it may, it is also recited in the impugned order, that though, the petitioner is not owing agricultural land, but his father is owning agricultural land. Moreover, it is also enumerated in the impugned order, that the agricultural work is done by the life convict. Obviously, it does emanate from the afore recitals, that neither the father of the life convict nor his other family members are engaged in doing agricultural work.

5. Consequently, the life convict is to ensure, that through his tilling, the land owned by his father, his family members, hence earn a decent livelihood.

6. In sequel, for ensuring the afore, the order impugned before this Court, is annulled, and, set aside. However, for ensuring that the afore granted statutory privilege, does not become abused by the petitioner, thereupon it is ordered, that the petitioner shall be released on parole for a period of two weeks, but subject to his furnishing before the Superintendent of the Jail concerned, personal, and, surety bonds comprised in the sum of Rs.1 lac each, with an

undertaking therein, that upon the completion of the parole tenure of two weeks, he shall forthwith enter the prison concerned.

29.03.2022

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(SURESHWAR THAKUR)

JUDGE

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