

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

**214**

**CRWP-4922-2022**

**Date of decision: 02.06.2022**

**ASHOK KUMAR**

... Petitioner

**Versus**

**STATE OF HARYANA ETC.**

... Respondents

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

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Present : Mr. Kamal Mor, Advocate  
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

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**VINOD S. BHARDWAJ. J. (ORAL)**

Instant petition has been filed under Article 226/227 of the Constitution of India for issuance of direction in the nature of Mandamus directing the respondent to release the petitioner on parole for 8 weeks on account of getting his house repaired and further for attending the marriage of his daughter which is scheduled to be held on 15.06.2022.

The learned counsel for the petitioner has argued that the petitioner had been convicted and sentenced for imprisonment for a period of 07 years in case bearing FIR No.228 dated 28.12.1998 under Sections 307, 324 and 148 of the Indian Penal Code, 1860, registered at Police Station Pillu Kheda. Even though the FIR was registered under Section 302 of the IPC, however, the said charge was dropped against the petitioner.

Learned counsel contends that the marriage of the petitioner's daughter namely Sonal aged about 23 years is now scheduled to be solemnized on 15.06.2022 and a representation was submitted by the petitioner praying for parole to the Superintendent, District Prison, Karnal and that the said prayer

made by the petitioner was dismissed vide order dated 20.04.2022 without considering the report of Tehsildar Gohana received vide letter dated 03.03.2022 and the report of the Executive Engineer, PWD (B&R) Sonipat vide letter dated 10.03.2022. It is also submitted that the factum of marriage of petitioner's daughter stands duly corroborated by the certificate issued by the Councillor of Ward No.6.

Upon notice being issued, reply on behalf of the respondent has been filed by way of affidavit of Ashok Kumar, Deputy Superintendent, District Prison, Karnal, wherein the factum of marriage of petitioner's daughter has not been disputed. It is also pointed out that the petitioner has already undergone an actual custody of 01 year 05 months and 18 days including the custody period of 22 days as an under-trial prisoner.

Furthermore, it is submitted that the prayer of the petitioner for grant of furlough is under consideration of the competent authority.

I have heard the learned counsel for the respective parties and have perused the impugned order dated 20.04.2022 passed by the District Collector, Sonipat. A perusal of the said order clearly shows that the Executive Engineer, PWD (B&R), Sonipat has specifically conveyed vide his letter No.1972 dated 10.03.2022 that the house in question (house of the petitioner) stands in the name of mother of the petitioner and that the said house has not been repaired since long. It has further been pointed out that the walls of the house are condemned and water drips during the rainy season. It is thus submitted that the house needed an urgent repair. Moreover, it is also noticed that Tehsildar, Gohana has specifically reiterated about the marriage of petitioner's daughter having been scheduled to be held on 15.06.2022. It is also pointed out that apart from the petitioner, he has his wife aged 47 years, son

aged 22 years and father aged 86 years. Even though the house in question stands in the name of mother of the petitioner, however, the report of Tehsildar shows that the mother of petitioner has already expired on 20.03.2010 and that the petitioner is the heir of his mother Smt. Om Dei wife of Surat Singh alongwith his brothers and sisters.

The perusal of the impugned order also shows that the prayer of the petitioner has been rejected on the basis of a report sent by the Superintendent of Police, Sonipat, who had expressed the possibility of danger to the security and public order of the State. The aforesaid report or apprehension express by the Superintendent of Police, Sonipat is seemingly mechanical and is not based on any cogent material. It has not been disclosed as to how the security of the State would be endangered on account of the parole being extended to the petitioner. In the absence of any corroborating material and any cogent evidence to substantiate such report, it is evident that the District Collector, Sonipat had passed the said order in a casual and mechanical manner by placing reliance on a report that was bereft of any merit and devoid of any substance. Such casual conduct on the part of the highly placed officers of the District Administration such as the Superintendent of Police and District Collector deserves to be deprecated. Moreso, when such orders relate to lives and liberties of individuals

Resultantly, taking into consideration the circumstances noticed above, the impugned order dated 20.04.2022 being cryptic, is hereby set aside and the present petition is allowed.

Accordingly, in order to enable the petitioner to attend the marriage of his daughter and perform other pre and post marriage rituals, he is ordered to be released on parole for four weeks commencing from 05.06.2022

upto 04.07.2022 subject to his furnishing adequate surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned. The petitioner would be required to surrender before the concerned Jail Authorities on 04.07.2022 before 04.00 p.m.

Petition stands allowed accordingly.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**June 02, 2022**  
*rajender*

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|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |