

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRWP-8609-2022 (O&M)
Date of Decision: 23.12.2022

Surender

....Petitioner

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Anjali Sheoran, Advocate,
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J. (Oral)

Present criminal writ petition has been filed by the petitioner under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside order dated 17/18.5.2022 (Annexure P-3) passed by respondent No.4-Commissioner, Karnal Division, Karnal whereby the application of the petitioner for grant of parole for agricultural purpose was dismissed.

Reply filed on behalf of the State by way of affidavit of Amit Kumar, Superintendent of Jail, District Jail Karnal is ordered to be taken on record.

Admittedly, the petitioner was convicted on 11.10.2010 by the Court of learned Additional Sessions Judge, Sonipat and was *inter alia* sentenced to life imprisonment under Sections 302 IPC read with Section 120-B IPC and all the sentences were ordered to run concurrently and since then, the petitioner is in custody.

As per reply filed on behalf of the State, the petitioner has earlier also availed parole on 10 occasions and the detail of the same is given in para. 4 of the said reply. Further, in the said reply, it is nowhere mentioned that on the earlier occasions, the petitioner jumped parole.

In the impugned order (Annexure P-3), it is specifically recorded that there are 4 members in the family of the petitioner and that the petitioner has peacefully availed parole on number of occasions in the past. No specific reason is mentioned in the impugned order by the competent authority while rejecting the prayer of the petitioner for grant of parole.

There is nothing adverse on the record against the petitioner to decline his request for parole for agricultural purpose.

In light of above, the impugned order which is a non-speaking order, is hereby set aside and the petitioner is granted parole for 6 weeks for agricultural purpose from the date of release to the satisfaction of the District Magistrate concerned who should impose such conditions as are required to secure the presence of the petitioner in jail after expiry of the parole period. The case of the petitioner be processed expeditiously.

The present petition stands allowed in the aforesaid terms.

(KARAMJIT SINGH)
JUDGE

December 23, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No