

207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-9515-2022
Decided on 20.12.2022.

Rajiv

...Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Pravindra S. Chauhan, Sr. Additional AG, Haryana.

AUGUSTINE GEORGE MASIH J.(ORAL)

Prayer in this writ petition is for grant of parole which has been declined to the petitioner vide order dated 12.09.2022 (Annexure P-1) passed by the Divisional Commissioner, Division Karnal, District Karnal/respondent No.2. The reason for declining the claim of the petitioner is that there is an apprehension of the petitioner absconding in case he is released on parole as also the fact that there is a probability of breach of public peace and may destruct the social fabric in the society. Ground of breach to the security of the State has also been asserted.

Upon notice having been issued and especially with regard to the averments in the petition that on various occasions the petitioner has availed of the benefit of parole and furlough and surrendered on time. The said fact has been admitted by the respondents in their reply to Para-3 of the writ petition (internal page-6). It has also been mentioned that he has availed of parole/furlough on four occasions and after availing the benefits, he surrendered on due date.

Even the dispute with regard to the grant of special parole and he having availed thereof leading to the subsequent surrender by the petitioner has also been admitted. It is also acknowledged that there is no adverse remarks against the petitioner by the jail authorities and his conduct in jail has been satisfactory.

Nothing has come on record which would indicate any apprehension to the security of the State or to the peace and tranquility as far as the village is concerned.

There is nothing which would indicate that on an earlier occasion when he had availed of the benefit of parole/furlough there has been any untoward incident which would have taken place, leading to such a conclusion as has been sought to be drawn by the respondents.

In the light of the above, we do not find any justifiable ground for denying the petitioner the benefit of parole as has been sought by him. The present petition is allowed. The order dated 12.09.2022 (Annexure P-1) passed by the Divisional Commissioner, Division Karnal, District Karnal/respondent No.2, therefore, cannot sustain and is hereby set aside. The petitioner is ordered to be released on parole on completing requisite terms and conditions as per rules.

(AUGUSTINE GEORGE MASIH)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

20.12.2022

R.sharma

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