

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRWP-10838-2022

Date of decision:- 15.12.2022

Jaswant @ Jassu

.... Petitioner

Vs.

The State of Haryana and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Susheel Gautam, Advocate for the appellant.

Mr. Pawan Girdhar, Addl. A.G. Haryana.

Manisha Batra, J. (Oral)

The present petition has been filed by the petitioner-Jaswant @ Jassu under Article 226 of the Constitution of India for setting aside order dated 16.09.2022 (Annexure P-1) passed by the Divisional Commissioner, Karnal Division, Karnal, (Annexure P-1) whereby the request of the petitioner for grant of parole had been rejected.

The petitioner approached respondent No.2 to release him on parole for ten weeks to repair his house which was duly recommended by Member of Municipal Corporation, Ward No.1, Sonapat. Respondent No.2 after receiving the report from concerned police Station, did not recommend the parole case of the petitioner and rejected the same vide the impugned order dated 16.09.2022. Feeling aggrieved, he has filed the

present petition.

Learned counsel for the petitioner contended that the family of the petitioner is in dire need of getting the house repaired. Hence, the petitioner be released on parole for a period of four weeks.

On the other hand, learned State counsel has opposed the prayer made by petitioner by way of reply filed in the Court, which is taken on record. It is submitted that the petitioner has undergone 4 years, 8 months and 15 days of actual sentence as on 09.12.2022. The parole case of the petitioner was duly initiated and was rejected by the Divisional Commissioner, Karnal Division, Karnal. There were chances of petitioner's disturbing the State security and maintenance of public order if extended benefit of parole. Hence, it was urged that the petition did not deserve to be allowed.

We have heard learned counsel for the parties.

As per the reply submitted by the State, the petitioner has undergone 4 years, 8 months and 15 days of actual sentence. He is not alleged to be involved in any other case. The only reason given by respondent No.2 for rejecting the prayer made by the petitioner is that his release might disturb the law and order and may lead to danger to the State security as he is undergoing imprisonment on account of murder of person from his own locality. This apprehension, however, is not substantiated by any material and hence cannot be made a ground to reject the prayer made by the petitioner. It is relevant to mention that Section 3(1)(aa) of the Punjab Good Conduct Imprisoners' (Temporary Release) Act, 1962, permits temporary release of prisoner on parole on

the grounds as mentioned therein.

Taking all these circumstances into consideration, the petition is hereby allowed. Impugned order dated 16.09.2022 is set aside. The petitioner is ordered to be released on parole for a period of four weeks subject to his furnishing personal/surety bonds to the satisfaction of the concerned District Magistrate .

Concerned District Magistrate, may impose such conditions as may be necessary to secure the presence of the petitioner in jail after the parole is over and to ensure that the temporary release is not misused.

(RITU BAHRI) (MANISHA BATRA)
JUDGE JUDGE

15.12.2022

pooja saini

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