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

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Date of decision:- 29.05.2023

Pardeep

.... Petitioner

Vs.

State of Haryana and others

...Respondents

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

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

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

Manisha Batra, J. (Oral)

The present petition has been filed by the petitioner-Pardeep under Articles 226 of the Constitution of India for setting aside order dated 05.12.2022, passed by the Superintendent, office of Divisional Commissioner, Faridabad Division, Faridabad (Annexure P-1) whereby the request of the petitioner for grant of parole had been rejected.

2. The present petition has been filed by the petitioner on the ground that he was held guilty and convicted by the Court of learned Additional Sessions Judge, Jind vide judgment dated 22.08.2019 in case bearing i) FIR No.167, dated 20.08.2015 registered under Sections 396, 201 of IPC and Section 25 of the Arms Act, 1959 registered at Police Station Lakhan Majra, Rohtak. He had been sentenced to undergo life

imprisonment. Appeal bearing No.CRA-D-909-DB-2019 has been filed by him against the said judgment, which is pending before this Court. In case bearing FIR No.175, dated 05.08.2015 registered under Sections 307/34, 120-B, 307 IPC and Section 25/54/59 of the Arms Act, 1959 registered at Police Station Julana, he had been sentenced to undergo rigorous imprisonment for seven years (this sentence started on 17.03.2022 concurrently with sentence in case FIR No. 167/2015 being life imprisonment).

3. The petitioner approached respondent No.2 to release him on parole for 04 weeks to meet the family members. Respondent No.4 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 05.12.2022. Feeling aggrieved, he has filed the present petition.

4. Learned counsel for the petitioner contended that the petitioner has not met his family members for a long time and has prayed that he be released on parole for a period of 6 weeks.

5. On the other hand, learned State counsel has opposed the prayer made by petitioner by way of reply filed in the Court, along with custody certificate, which are taken on record. As per the custody certificate dated 01.05.2023, the petitioner has undergone actual sentence of 3 years, 6 months and 10 days. The parole case of the petitioner was duly initiated and was rejected by the Superintendent, Divisional Commissioner, Faridabad Division, Faridabad on the ground that there were chances of petitioner's disturbing the State security and maintenance

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of public order if extended benefit of parole. Hence, it was urged that the petition did not deserve to be allowed.

6. We have heard learned counsel for the parties.

7. As per the reply submitted by the State, the petitioner has concealed the true facts in the present petition. 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. 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.

8. Taking all these circumstances into consideration, the petition is hereby allowed. Impugned order dated 05.12.2022 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 .

9. 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

29.05.2023

pooja saini

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No