

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

CRWP-1548-2023

Date of Decision: 31.07.2023

Dinesh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Ram Kumar Singla, D.A.G., Haryana.

HARSH BUNGER, J.

1. Petitioner (Dinesh) has filed this petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *mandamus* directing respondents No.1 to 3 to release him temporarily on general parole for five weeks under Section 3(1)(2) of the Haryana Good Conduct Prisoners (Temporary release) Act, 2022 (in short 'the Act, 2022), by setting aside the order dated 26.08.2022 (Annexure P4) passed by the Divisional Commissioner, Karnal Division, Karnal.

2. Upon issuance of notice in this case, learned State counsel appeared and filed reply dated 18.04.2023 by way of an affidavit of Sh. Amit Kumar, Superintendent of Jail, District Jail, Karnal, on behalf of the respondents, which is already on record.

3. Status report dated 27.03.2023 by way of an affidavit of Sh. Vipin Kadian, HPS, Assistant Commissioner of Police, Rai, Sonipat, has also been filed on behalf of respondent No.1-State of Haryana, which is also on the record.

4. Briefly, petitioner (Dinesh) was convicted in case FIR No.82 registered on 09.05.2006 at Police Station Murthal, Sonipat, under Sections 148, 149, 302, 307, 323, 324, 325 of the Indian Penal Code (for short 'the IPC') vide judgment of conviction dated 25.03.2008 passed by learned Additional Sessions Judge, Sonipat. Vide separate order of even date, the petitioner was sentenced as under :-

<i>Under Section</i>	<i>Sentence</i>	<i>Fine</i>	<i>Period of sentence in default of payment of fine</i>
148 IPC	Rigorous imprisonment for three years	Rs.2,000/-	Rigorous imprisonment for six months.
302/149 IPC	Rigorous imprisonment for life imprisonment	Rs.25,000/-	Rigorous imprisonment for two years.
307/149 IPC	Rigorous imprisonment for ten years	Rs.10,000/-	Rigorous imprisonment for one year and six months.
325/149 IPC	Rigorous imprisonment for five years	Rs.5,000/-	Rigorous imprisonment for one year.
324/149 IPC	Rigorous imprisonment for three years	Rs.2,000/-	Rigorous imprisonment for six months.
323/149 IPC	Rigorous imprisonment for one year	Rs.1,000/-	Rigorous imprisonment for three months.

5. The petitioner herein challenged the aforesaid judgment of conviction and order of sentence dated 25.03.2008 passed by learned Additional Sessions Judge, Sonapat, by way of filing an appeal

(CRA-D-300-DB-2008); however, the same was also dismissed by this Court vide judgment dated 13.01.2012.

6. It is apposite to state here that in the afore-said case FIR No.82 dated 09.05.2006, the other co-accused of the petitioner were (i) Rakesh son of Jagbir (brother of the petitioner), (ii) Jagbir son of Ram Niwas(father of the petitioner) and (iii) Jagwanti wife of Jagbir (mother of the petitioner). It appears that the imprisonment period of Jagwanti (mother of the petitioner) has been completed. The petitioner is undergoing his sentence in the afore-said case.

7. The petitioner applied for General Parole for a period of ten weeks; whereupon, the Deputy Commissioner, Sonipat got a verification conducted through Superintendent of Police, Sonipat, who did not recommend the release of the petitioner on parole. The Deputy Commissioner, Sonipat mentioned in his report that as per report submitted by Superintendent of Police, Sonipat, there is apprehension of law and order problem in the State on releasing the petitioner as he is habitual of committing crime time and again. Accordingly, it was stated that in case, the petitioner is released on parole, then he can violate the rules of release and again commit serious crime, which may disturb the peaceful situation in Society/Village.

8. On the basis of the reports received from the Deputy Commissioner, Sonipat, the Divisional Commissioner, Karnal Division, Karnal, vide order dated 26.08.2022 (Annexure P-4), rejected the application of the petitioner for his release on parole, by observing as under :-

“The Deputy Commissioner, Sonipat, has mentioned in his report that as per report, submitted by the

Superintendent, District Sonipat, there is apprehension of law and order problem in State on releasing said prisoner, as the said prisoner is habitual of committing crime time and again. The prisoner, on having released on Parole, can violate the rules of release and again commit serious crime, which may disturb the peaceful situation in society/village. As per provisions of Section 8 of Haryana Good Conduct Prisoners (Provisional Parole) Amendment Act, 2022, the prisoner would be entitled to avail Parole, when there is no apprehension of law & order situated in State from releasing said prisoner, but the Superintendent of Police, Sonipat has submitted report to the effect that releasing the said prisoner on parole may cause disturbance to peace & normalcy and law & order situation may disturb in the village. Hence in view of the report, submitted by the Superintendent of Police, Sonipat, it is recommended not to release the said prisoner on regular parole.

Hence while agreeing to the report submitted by the Superintendent of Police, Sonipat and Deputy Commissioner, Sonipat, who have recommended not to release said prisoner on regular parole, the application filed by said prisoner Dinesh son of Jagbir for releasing on parole is hereby rejected as per provisions of Section 8 of Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2022. A copy of this order is being sent to the Superintendent, District Jail, Karnal with a direction to intimate about the order to the concerned prisoner and conduct necessary proceeding in the matter.”

In the afore-mentioned circumstances, the petitioner has filed the instant petition.

9. The petitioner is seeking parole for emergency work i.e. for the operation of the right toe of his mother. The family of the petitioner consists of following members :-

<i>Sr. No.</i>	<i>Members of petitioner's family</i>
(i)	<i>Jagbir son of Ram Niwas (father of the petitioner)</i>
(ii)	<i>Jagwanti wife of Jagbir (mother of the petitioner)</i>
(iii)	<i>Rakesh son of Jagbir (brother of the petitioner)</i>
(iv)	<i>Manju wife of Rakesh</i>
(v)	<i>Kajal daughter of Rakesh</i>
(vi)	<i>Manish son of Rakesh</i>
(vii)	<i>Babita wife of Dinesh (petitioner)</i>
(viii)	<i>Ajay son of Dinesh</i>
(ix)	<i>Diksha (daughter of Dinesh)</i>

10. Learned counsel for the petitioner submits that in the afore-said case FIR No.82 dated 09.05.2006, the petitioner along with his father (Jagbir), mother (Jagwanti) and brother (Rakesh), were all convicted and Jagwanti (mother of the petitioner) has already undergone her sentence and she is residing alone at Saint Kabir Nagar, District Sonipat. The father and brother of the petitioner are undergoing sentence. The wife of petitioner's brother (Rakesh) namely, Manju and his two children namely Kajal and Manish, are residing in her parental house at Gohana Road, Bypass; whereas, petitioner's wife Babita and his two children are residing at Village Rajpur, Sonipat. It is submitted that the mother of the petitioner is around 72 years of age and is suffering from diabetic foot and right toe needs surgery. It is further submitted that the mother of the petitioner is also having breathing problem and there is no one to take care of her; accordingly, the petitioner is seeking parole.

11. Learned counsel for the petitioner submitted that the learned Commissioner, Karnal Division, has wrongly rejected the prayer of the petitioner for releasing him on parole by relying upon Section 8 of the Act, 2022 and also relying upon the reports that releasing the petitioner on parole may cause disturbance to peace and normalcy and law and order situation in the village. It is submitted that the basis on which the application of parole filed by the petitioner has been rejected, is totally baseless. Learned counsel submits that merely observing in the order that the release of the petitioner may cause law and order situation or there is an apprehension of petitioner committing crime again or may disturb the peaceful situation in the society/village, is not enough and there has to be some basis for recording the said observations. It is submitted that the petitioner had been granted parole on eleven occasions earlier and the last parole being granted to him was for 13 weeks, commencing from 02.07.2021 upto 03.10.2021. It is next submitted that the petitioner never misused the concession of parole and there is no complaint of any sort regarding his act and conduct, during the period at which he had availed the parole. Accordingly, learned counsel for the petitioner submits that the impugned order passed by the Divisional Commissioner, Karnal Division, Karnal, is un-sustainable in the eyes of law and is required to be quashed and the petitioner may be released on parole.

12. Per contra, learned State counsel has opposed the petition as well as the prayer of the petitioner for grant of parole by submitting that the competent authority i.e. the Commissioner, Karnal Division, Karnal has rejected the application of the petitioner for release on parole in view of the public interest as per Section 8 of the Act, 2022. Learned State counsel, while referring to the reply dated 18.04.2023, has submitted that the

petitioner was involved in another case FIR No.190 of 2000 under Section 411 of the IPC, registered at Police Station Sadar, Sonipat; wherein, he was acquitted on 05.02.2009 by the learned Judicial Magistrate Ist Class, Sonipat and there is another case FIR No.5 of 2000, under Sections 379, 411 of the IPC, Police Station Civil Lines, Sonipat; wherein, the petitioner was sentenced for the period already undergone vide order dated 20.01.2010. Learned State counsel has further submitted that the petitioner had violated the rules of jail discipline on three occasions as under:-

(i) On 23.05.2013, during the search of Block No.3 of Barrack No.1, a sulfa like substance equal to bit of gram (intoxicant) was recovered from the petitioner and accordingly, he was punished to be separately confined in Security Cell for 10 days and the said punishment was judicially appraised and approved by the then District and Sessions Judge, Karnal.

(ii) On 14.08.2018, during the search of petitioner by the Jail Staff, Rs.2500/- cash was recovered from the petitioner's shoe for which punishment of deduction of four days' earned remission was imposed which was also judicially appraised by the then Sessions Judge, Karnal.

(iii) On 16.12.2022, during search of Barrack No.16 of District Jail, Karnal, Rs.500/- cash was recovered from the petitioner and thus he has violated the jail discipline.

13. As regards the health of the petitioner's mother-Jagwanti is concerned, learned State counsel submits that the same was got verified from SHO, City Sonipat, who had submitted his report that the enquiry was made from Dr. S.P. Sharma, MS (Ortho), Civil Hospital, Sonipat, who had told that Jagwanti has not got any treatment done after 01.10.2022. It was further reported that Jagwanti was living alone in Kabir Avam Colony, West Ramnagar, Sonipat and her family consists of her husband-Jagbir,

elder son Rakesh and younger son Dinesh, all three are confined in District Jail, Karnal, in case FIR No.82/2006 under Sections 302 and 307 of the IPC. It is also reported that daughter-in-law of Jagwanti namely, Manju wife of Rakesh is living alone in Bypass Gohana and younger daughter-in-law Babita wife of Dinesh, is living alone in Rajpur. It was also reported that Jagwanti seems to be healthy and able to do her work. Accordingly, it is prayed that the instant petition may be dismissed.

14. In rebuttal, learned counsel for the petitioner has referred to para Nos.4, 5 and 6 of the status report dated 27.03.2023, which reads as under :-

“4. That, in reply to the contents of para no.4 of the petition, it is submitted that the petitioner is confined in District Jail Karnal. The petitioner/convict had two three violated rules of jail discipline, as details have already been mentioned in paras 5 of preliminary submissions same are reiterated here. The conduct of the petitioner is satisfactory inside the Jail. The petitioner have 11 times availed parole/furlough and surrendered on due date.

5. That, in reply to the contents of para no.5 of the petition, it is submitted that the Municipal Corporation is not a competent authority to grant of parole. The parole case of petitioner is granted by the competent authority i.e. Commissioner, Karnal Division, Karnal on recommendation of concerned District Magistrate and Superintendent of Police. It is pertinent to mention here that the prisoner cannot claim parole as a matter of right as the benefit of parole/furlough is only a concession under the Haryana Good Conduct Prisoner (Temporary Release) Act. It is further submitted that as per Endst no.8118/R dated 23.08.2022, the District Magistrate,

Sonipat conducted enquiry through the Superintendent of Police, Sonipat. According to report of the Superintendent of Police, Sonipat, there is possibility of the security of the State and public peace being disturbed by the release of the prisoner because the prisoner addicted to crime. The prisoner may violate the same rules by coming on parole and any untoward incident can happen when the prisoner will released on parole.

6. That, in reply to the contents of para no.6 of the petition, it is submitted that respondents have acted in accordance with the procedure laid down by the Act therefore, there is nothing illegal cover against the principal of natural justice on the part of respondents. Such as the benefit of parole/furlough is only a concession for good conduct of a prisoner which is granted by the State Govt./competent of authority with the consultation of the concerned District Magistrate on request of the prisoner and no prisoner can claim it as a matter of right. Therefore, agreeing with the report of District Magistrate, Sonipat and Superintendent of Police, Sonipat the above mentioned the application of release of convict Dinesh son of Jagbir on parole has been rejected by competent authority i.e. Commissioner, Karnal Division, Karnal in view of public interest as per Section 8 of Haryana Good Conduct Prisoners (Temporary Release) Act 2022 vide their Endst. No.Parole/1519-20 dated 29.08.2022. Rest of the contents of Para No.6 of the present petition, the averments made in paras no.9 & 10 of the Preliminary submissions are reiterated for sake of brevity.”

By referring to the above extracted part of status report dated

27.03.2023, learned counsel for the petitioner has submitted that once the

conduct of the petitioner has been found to be satisfactory in the jail and the petitioner already having availed parole/furlough on eleven occasions earlier and has surrendered back on due date/time; therefore, there is no reason or basis for the authorities to have rejected his prayer for release on parole. It is submitted that owing to the age of the mother of the petitioner as well as her medical condition, as mentioned in the status report dated 27.03.2023, this petition may be accepted by setting aside the impugned order and granting parole of the petitioner.

15. I have heard learned counsel for the parties and perused the paper book, reply dated 18.04.2023 as well as status report dated 27.03.2023 filed by learned State counsel, with their able assistance.

16. Section 8 of the Act, 2022 reads as under:-

“8. Notwithstanding anything contained in this Act, no convicted prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate or the Deputy Commissioner of Police or the Superintendent of Police or otherwise, the State Government or the competent authority is satisfied that his release is likely to endanger the security of the State or the maintenance of public order or cause reasonable apprehension of breach of peace.”

Under Section 8 of the Act, 2022, parole can be declined on the ground if the release of the petitioner is likely to endanger the security of the State or maintenance of public order or cause reasonable apprehension of breach of peace.

17. The difference in the concepts of “***Law and order, public order and security of State***” was explained by the Hon'ble Supreme Court of India in the case of ***Kishori Mohan Bera v. State of W.B., 1972 AIR (Supreme Court) 1749***, as under:

*“7. In **Dr. Lohia v. State of Bihar, (1966) 1 SCR 709** this Court explained the difference between the three concepts of law and order, public order and the security of the State and fictionally drew three concentric circles, the largest representing law and order, the next representing public order and the smallest representing security of the State. Every infraction of law must necessarily affect order, but an act affecting law and order may not necessarily also affect the public order. Likewise, an act may affect public order, but not necessarily the security of the State. These observations clearly bring out the distinction between each of the three concepts and the three imaginary concentric circles help to delineate the respective areas of the three concepts. A similar distinction between law and order and public order was also drawn in **Pushkar Mukherjee v. State of West Bengal, (1969) 2 SCR 635** and a caution was there expressed that the expression 'public order' in Section 3 (1) of the Preventive Detention Act, 1950 did not take in every infraction of law and that every disturbance of law and order leading to disorder would not be sufficient invoke the extraordinary power under such a detention law, unless the act in question was such as endangered or was likely to endanger public order. The true test is not the kind, but the potentiality of the act in question. One act may affect only individuals while the other, though of a similar kind, may have such an impact that it would disturb the even tempo of the life of the community. (See **Arun Ghosh v. State of West Bengal, (1970) 3 SCR 288** also **Nagendra Nath Mondal v. State of West Bengal, (1972) 1 SCC 498**. This does not mean that there can be no overlapping, in the sense that an act cannot fall under two concepts at the same time. An act, for instance, affecting public order may have an*

impact that it would affect both public order and the security of the State. In such a case the power can be exercised on both the grounds, namely, disturbance of public order and danger to the security of the State.

18. The expression '**law and order**' and '**public order**' came up for interpretation before a Division Bench of this Court in **BansiLal v. State of Punjab and others, 2016 (4) RCR (Criminal) 1017** wherein it was held as under:-

"It is something more than mere law and order. Every breach of peace does not lead to public disorder. Maintenance of public order is intended to prevent grave public disorder, which is not the same as maintenance of law and order. The latter is comparatively of a lesser gravity and in fact of local significance. An act which does not affect the public at large or has no impact on it, is not to be taken as an act affecting maintenance of public order. The distinction between law and order and public order is one of degree and extent of reach of the act in question on society. In the case of breach of law and order it affects individuals directly involved as distinct from the public at large. This would raise a law and order problem only. The true test is the potentiality of the act in question. One act may affect some individuals and local persons while another though of a similar nature may impact the public at large. An act which disturbs the even tempo of life of the public at large affects the maintenance of public order."

19. In **Baljit Singh v. State of Punjab, 2017 (2) Law Herald 1796**, an Hon'ble Division Bench of this Court, had held as under:

"8. The threat to security of the State is to be understood as an act which may arise from within or outside the State. It is generally understood as an act of aggression from outside, or militant and terrorists

operations engineered by foreign agencies. It can also be effected by passing of classified information like documents, secrets, maps etc. to foreign countries or through undesirable foreign links. An act which poses a threat to the State is to be considered as a threat affecting the security of the State. 'Public order', however, is synonymous with public safety. It is something more than mere law and order. Every breach of peace does not lead to public disorder. Maintenance of public order is intended to prevent grave public disorder, which is not the same as maintenance of law and order. The latter is comparatively of a lesser gravity and in fact of local significance. An act which does not affect the public at large or has no impact on it, is not to be taken as an act affecting maintenance of public order. The distinction between law and order and public order is one of degree and extent of reach of the act in question on society. In the case of breach of law and order it affects individuals directly involved as distinct from the public at large. This would raise a law and order problem only. The true test is the potentiality of the act in question. One act may affect some individuals and local persons while another though of a similar nature may impact the public at large. An act which disturbs the even tempo of life of the public at large affects the maintenance of public order. These aspects are to be considered by the competent authorities under Act while deciding to recommend or not to recommend the temporary release of a prisoner on parole and/or passing orders for temporary release by the competent authorities under the Act. The exercise is not to be lightly conducted and the competent authorities are to apply their mind on the basis of inputs received by them for recommending or

passing an order as the case may be for temporary release of prisoners on parole.”

20. Another Division Bench of this Court in ***Ram Chander v. State of Punjab and others*** 2017(3) RCR (Criminal) 340 held that the likelihood of committing a crime while on parole would not be a sufficient ground to decline temporary release on parole as mere likelihood of committing crime is not be taken as an apprehension of a threat to the security of the State or maintenance of public order.

21. In ***Jasbir Singh v. State of Punjab***, 1999(2) RCR (Criminal) 390, this Court held as under:

“...State is not such a weak organ of the Constitution that in the event of the release of one individual it cannot tame the activity of a person. It has not been shown in the impugned order Annexure P.1 how the petitioner will become a source of fear to the co-villagers in the event of his release. There is not an iota of evidence which has been shown in support of Annexure P.1 that petitioner had hurled threats to his co-villagers or any body else so that in the event of his ultimately release he became a problem in the maintenance of the public order. Without any basis, it is difficult for this court to hold that the petitioner would become a source of fear for his co-villagers. Even if he is a source of fear as stated by the Government in the impugned order, still it cannot be equated that the petitioner will create a problem for the maintenance of the public order which is a stronger term as compared "apprehension" of fear on release.

22. In ***Makhan Singh v. State of Punjab***, 2000(2) RCR (Criminal) 254, this court held as under:

“...Apprehension of breach of peace is a wide term. It cannot be equated with danger to the security of the State or danger to the maintenance of public order...”

23. Coming to the case in hand; concededly, the petitioner along with his father and brother are undergoing sentence in the aforesaid case FIR No.82 dated 09.05.2006. The mother of the petitioner, who was also convicted along with them, has since undergone her sentence and as per the reply/status report available on the file, she is residing alone at Kabir Awam Colony West Ramnagar, Sonipat, whereas, her elder daughter-in-law along with her children is residing in Bypass Gohana and younger daughter-in-law Babeeta is residing along with her children at Village Rajpur, Sonipat. Thus, there is no one to look after her.

24. From a perusal of status report dated 27.03.2023, it is made out that the conduct of the petitioner inside the jail is satisfactory and as per Annexure R-III attached to reply dated 18.04.2023, the petitioner has availed parole/furlough on eleven occasions earlier and also that he had surrendered on due date. The details of parole/furlough availed by the petitioner as attached with the reply as Annexure R-III, reads as under :-

Sr. No.	Period	Parole/furlough	Date of release	Date of surrender
1	4 weeks	House repair parole	25.02.2011	26.03.2011
2	3 weeks	Furlough	10.02.2012	03.03.2012
3	4 weeks	Child admission parole	12.07.2012	10.08.2012
4	4 weeks	House repair parole	01.05.2015	30.05.2015
5	2 weeks	Furlough	24.11.2016	09.12.2016
6	4 weeks	Child admission parole	27.04.2017	26.05.2017
7	2 weeks	Furlough	01.12.2017	16.12.2017

8	2 weeks	Furlough	12.06.2018	27.06.2018
9	2 weeks	Furlough	04.03.2020	19.03.2020
10	51 weeks	Special parole (Covid-19)	08.04.2020	04.04.2021
11	13 weeks	Special parole (Covid-19)	02.07.2021	03.10.2021

A perusal of the above extracted chart would manifest that the petitioner had been granted parole/furlough regularly and there is nothing on record to show that he has ever misused the concession of parole/furlough extended to him. The last parole being granted to petitioner was for 13 weeks, commencing from 02.07.2021 upto 03.10.2021. Learned State counsel could not deny that there is no complaint of any sort regarding the act and conduct of the petitioner, during the period at which he had availed the parole. Furthermore, as per the custody certificate of the petitioner, he has already undergone actual custody of 15 years 5 months 5 days (as on 13.05.2023) and after including the earned remission, total period of sentence comes to 22 years 2 months and 28 days.

25. Keeping in view the aforementioned facts and circumstances as well as the settled law; I am of the considered view that the denial of benefit of temporary release by stating that there is apprehension that he may commit a crime if released on parole and peace may be disturbed, is not acceptable. The likelihood of committing a crime while on parole would not be sufficient ground for denying temporary release as the mere likelihood of committing a crime is not to be taken as an apprehension of a threat to the security of the State or maintenance of public order. Merely observing in the order dated 26.08.2022 (Annexure P4) passed by the Divisional Commissioner, Karnal Division, Karnal, that the release of the

petitioner may cause law and order situation or there is an apprehension of petitioner committing crime again or may disturb the peaceful situation in the society/village, is of no basis. Temporary Release Acts envisage the temporary release of convicts. The mere fact that the person is convicted for an offence does not mean that he may abscond or commit a crime if released on parole. It is always open to the authorities to impose stringent conditions to guard against such eventualities.

26. The State is not a weak organ that it cannot conduct the maintenance of the public order and is not in a position to keep a watch on the activities of the petitioner for the purposes of public order. The petitioner is not so strong so as to create a situation where the public order is in danger. However, if the petitioner in any way violates the conditions of release on parole, enough safeguards are provided under the Act.

27. Hon'ble Apex Court in *Asfaq v. State of Rajasthan and others, 2017 (15) SCC 55*, while dealing with the issue of provisions of parole and furlough, has held that a humanistic approach is to be adopted against those who are lodged in jails. It has been held therein that furlough is a brief release from the prison which is conditional and is given in case of long term imprisonment which is granted as a good conduct remission. His release from jail for short period has to be considered as an opportunity afforded to him not only to solve his personal and family problems but also to maintain his links with society and the convicts too must breathe fresh air for at least some times provided, they maintain good conduct consistently, during incarceration and show a tendency to reform themselves to become good citizens. Thus, the redemption and rehabilitation of such prisoners for good of society must receive due weightage while they are undergoing sentence of imprisonment. Hon'ble Apex Court has further clarified that

even citizens of the country have a vested interest in preparing offenders for successful re-entry into the society after their release. Those who leave prisons without a strong network of support, employment prospects, fundamental knowledge of the community to which they will return and without resources stand a significantly higher chance of failure. Furlough or parole can help the offenders prepare for success. Being in a civilized society organized with law and system as such it is essential to ensure for every citizen a reasonably dignified life. If a person commits any crime, it does not mean that by committing such crime he ceases to be a human being and he can be deprived of those aspects of life which constitutes human dignity. It has been emphasized that the parole programme should be used as a tool to shape such adjustments.

28. To conclude, I find that the application of the petitioner has been declined for no valid, sufficient and legal reasons. The order rejecting the prayer of petitioner for temporary release on parole is arbitrary and based on no sufficient material, which would justify its refusal.

29. Accordingly, the present petition is allowed and the impugned order dated 26.08.2022 (Annexure P4) passed by the Divisional Commissioner, Karnal Division, Karnal, is quashed. The authorities are directed to release the petitioner on parole for a period of four weeks w.e.f. 05.08.2023 on furnishing of requisite bail bonds/surety bonds and all other formalities to the satisfaction of the competent authority as envisaged under the Act, 2022.

30. After the expiry of the parole period, i.e. on 02.09.2023, the petitioner is directed to surrender himself before the concerned authorities on or before 5:00 P.M.

31. This petition stands disposed of accordingly.

32.

All pending application(s), if any, shall also stand closed.
33.

Copy of this order be handed over to learned State counsel for its transmission to the concerned authorities for information and necessary compliance.

July 31, 2023

Gurpreet/Apurva

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No