

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRWP-2880-2023

Date of Decision: July 31, 2023

Amarpal

.....Petitioner

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJ MOHAN SINGH.
HON'BLE MR.JUSTICE HARPREET SINGH BRAR.**

Present: Mr. Siddarth, Advocate
for the petitioner

Mr. Manish Dadwal, AAG Haryana

Raj Mohan Singh, J. (Oral)

The petitioner has preferred this petition under Article 226/227 of the Constitution of India read with Section 3(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for grant of parole for a period of four weeks in order to enable him to carry out necessary home renovation.

In view of stand taken by District Magistrate, Ambala, the petitioner was granted parole for 18 weeks and 16 weeks during COVID-19 period. The present prayer of the petitioner has been declined on the ground that the petitioner is a member of Monu Rana gang, who has committed heinous crimes and the petitioner may also commit heinous crimes due to which peace and security of the State may be disturbed.

Learned counsel for the petitioner submits that besides the aforesaid parole of 18 weeks and 16 weeks availed by the petitioner during COVID-19, he has availed interim bail for 08 days from 04.12.2022

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to 12.12.2022 for the purpose of solemnizing marriage of his daughter. After availing the aforesaid interim bail, the petitioner had surrendered back in time. During pendency of the present petition, the petitioner has suffered a massive paralytic stroke, thereby incapacitating him from undertaking his daily pursuits.

This fact has been admitted by learned State counsel that the petitioner is almost confined to bed.

In the reply filed by the Deputy Superintendent of Police, Barara, District Ambala, reference of five cases has been given. A perusal of the details would show that the petitioner has already been acquitted in FIR No. 39, dated 01.03.1995 registered under Sections 323, 324, 34 IPC at Police Station Mullana, District Ambala. In FIR No. 28 dated 15.03.2001 the petitioner was convicted for the offence under Section 61/1/14 of the Excise Act and a penalty of Rs. 50/- was imposed vide order dated 20.07.2006. In FIR No. 119 dated 23.07.2003 under Section 13-A/3/67 of the Gambling Act, the petitioner was convicted and a penalty of Rs. 300/- was imposed on 20.05.2014. In FIR No. 189 dated 09.07.2006 registered under Sections 279, 336, 427 IPC at Police station Ambala Cantt., District Ambala, the petitioner was convicted and penalty of Rs. 600/- was imposed vide order dated 02.05.2007. FIR No. 110 dated 07.08.2014 is the present FIR.

The aforesaid sentences would not disentitle the petitioner as the petitioner has already completed a period of 3 years, 9 months and 12 days of sentence as on date. Even no criminal gang activity of the petitioner has come on record.

In view of the aforesaid factual position, the petitioner is entitled for regular parole for a period of four weeks. For the reasons

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recorded hereinabove, the present petition is disposed of and the petitioner is directed to be released on regular parole for a period of four weeks from the date of his release subject to his furnishing adequate surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. He is also directed to surrender before the jail authorities on expiry of period of four weeks.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

July 31, 2023

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No