

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

(212)

**CRWP-4472-2022
Decided on :18.01.2023**

Ravi Kumar

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

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

Mr.Ankur Mittal, Addl.A.G., Haryana
Mr.Saurabh Mago, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

Challenge in the present petition, filed under Articles 226/227 of the Constitution of India is to the order dated 04.04.2022 (Annexure P-1) whereby the grant of parole has been denied by the Divisional Commissioner, Ambala by passing a stereotype order.

The request for parole was made by the petitioner for getting her daughter namely Yudhvi aged 7 years admitted in the IInd Grade which was declined on the recommendation of the District Magistrate, Sonapat, which was further based on the report of the Superintendent of Police, Sonapat that there was apprehension of breach of public peace and security of the State if the prisoner was released. Accepting the said recommendation, the Divisional Commissioner, with blind-folded eyes, passed the order.

In the reply filed by the Deputy Superintendent, District Jail, Kurukshetra on behalf of the respondents, it has come forth that the petitioner had earlier availed paroles/furloughs/special parole and had surrendered in jail in time after availing the parole and no adverse report had been received from the local police, Sonapat during his parole period. The custody certificate dated 17.01.2023 would also show that he has undergone 5 years, 9 months and 8 days of actual period of sentence and the parole availed is for 75 weeks and 4 days. There are also details of furloughs of 21 days in the year 2019 and 14 days in 2022.

The above facts would go on to say a sorry state of affairs where the Divisional Commissioner has not been apprised of the correct background. Resultantly, we have no option but to quash the order dated 04.04.2022 (Annexure P-1). Accordingly, the present petition is allowed and the petitioner is granted parole for a period of 6 weeks subject to the satisfaction of the CJM/Illaq Magistrate, Kurukshetra.

A copy of this order be circulated to all Divisional Commissioners to ensure that whenever they pass orders and the rejection is on the ground that the security of the State/Nation is under threat, at least the background is checked that whether the petitioner has availed parole and surrendered back on time.

A copy of this order be also sent to the DGP, Haryana for forwarding to all the concerned Superintendents of Police, for submitting their report(s).

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

18.01.2023
sailesh

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No