

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRWP-5287-2023

Date of Decision: 28.08.2023

Baldev

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Ashok Kaushik, Advocate
for the petitioner.

Mr. Anant Kataria, Deputy Advocate General, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 10.05.2023 whereby his application for release on parole has been rejected.

Learned counsel submits that the petitioner has been convicted in case FIR No.632 dated 15.08.2019 under Sections 302 and 452 IPC and 25 of Arms Act, registered at Police Station Sadar, Palwal, District Palwal. The petitioner was also involved in two other cases under Sections 160 and 323 IPC. Besides these cases, there is no other case against the petitioner. The petitioner is sentenced to undergo life imprisonment and has undergone sentence of four years.

Learned State counsel while referring to the reply submits that the case of the petitioner had been rejected as the complainant had objected to his release on parole. The petitioner and the complainant are residing in the same village and, therefore, it is not appropriate to grant him parole.

Heard.

The petitioner has been convicted under Section 302 IPC and sentence to undergo life imprisonment. He has undergone the sentence of four years. Besides, the instant case wherein he has been convicted, he is involved in two other cases but they do not appear to be serious enough to deny the petitioner concession of parole in terms of Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act. These two cases are for offence under Section 160 IPC and Section 323 IPC which carry a maximum sentence of one month and one year respectively.

A bare reading of the impugned order indicates that the case of the petitioner for release on parole had been recommended by the District Magistrate, Palwal, but upon the application preferred by the complainant the Commissioner had rejected the case of the petitioner. The petitioner has undergone a sentence of four years and it would be in the interest of justice that the petitioner is granted parole to meet his family members and maintain his contact with the society. The purpose of release of a convict on parole is to hasten the process of reformation so that the convict after completion of the sentence rejoins the society as a responsible citizen. The complainant has expressed his apprehension that the release of the petitioner may endanger his life but then it is enjoined on the District Police to ensure that no harm is caused to the complainant and his family.

Consequently, the petition is allowed and the impugned order is set aside. The petitioner shall be released on parole for a period of four weeks subject to his furnishing requisite surety bonds to the satisfaction of the competent authority. He shall surrender to the concerned Jail after a period of four weeks by 05:00 p.m.

At the time of the release of petitioner, the SHO of Police Station Sadar Palwal, District Palwal, would be informed. The petitioner shall furnish his mobile number to the SHO and keep his mobile location on till his surrender.

The Superintendent of Police, District Palwal, would take steps, if necessary, to ensure that no harm is caused to the life of the complainant and his family members during the period the petitioner is on parole.

(ANUPINDER SINGH GREWAL)
JUDGE

28.08.2023

Varinder Prashad

(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No