

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

CRWP-5427-2023

DATE OF DECISION: 07.08.2023

RANTEJ

... Petitioner (s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Hoshiar Singh Jaswal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 24.05.2023 (Annexure P-1) passed by respondent No.1 whereby the claim of the petitioner for regular parole for a period of 10 weeks has been rejected.

2. Learned counsel for the petitioner submits that the petitioner has been convicted in FIR No.258 dated 01.09.2009 under Section 302 IPC read with Section 120-B IPC, registered at Police Station Ambala Cantt. and sentenced to undergo life imprisonment. The petitioner has undergone a sentence of 11 years including remission. The petitioner had been released on parole on several occasions but he had never misused the concession of parole.

3. Learned State counsel has filed reply by way of affidavit of Deputy Superintendent, District Jail, Yamuna Nagar on behalf of respondents No.1 to 3 which is taken on record. He while referring to the reply submits that the case of the petitioner has been rejected on the adverse report from Superintendent of Police, Ambala wherein it is stated that the convict is member of gang and the possibility of committing of untoward incident cannot be ruled out and law and order may be disturbed.

4. Heard. The petitioner is convicted in FIR No.258 dated 01.09.2009 under Section 302 IPC read with Section 120-B IPC, registered at Police Station Ambala Cantt. and sentenced to undergo life imprisonment. He has already undergone sentence of over 11 years, 5 months and 3 days. He had been released on parole on earlier several occasions as well but there is no material on record to suggest that he has misused the concession at any point in time. Merely the apprehension expressed by the Superintendent of Police that his release on parole would disturb the law and order is without any foundation. There is no material to suggest as to how the release of the petitioner would endanger the law and order. There does not seem to be any other case against the petitioner besides the aforementioned case wherein he is serving life imprisonment. It is necessary for the petitioner to maintain contact with his family which would facilitate his reformation as responsible citizen at his release. It would, thus, be in the interest of justice if the petitioner is granted parole for a period of 06 weeks.

5. Consequently, the petition is allowed and the order dated 24.05.2023 (Annexure P-1) rejecting the case of the petitioner for his release on parole is set aside. The petitioner shall be granted parole for a period of 06 weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority. He shall surrender in the concerned Jail by 05:00 p.m. after expiry of period of 06 weeks from the date of his release on parole.

(ANUPINDER SINGH GREWAL)
JUDGE

07.08.2023

SwarnjitS	Whether speaking/reasoned	:	Yes / No
	Whether reportable	:	Yes / No