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

Criminal Writ Petition No. 7624 of 2022(O&M)

Date of Decision: May 18, 2023

Ravinder @ Susa

..... PETITIONER (s)

Versus

State of Haryana and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS.JUSTICE RITU TAGORE**

Present: Mr. Rahul Makkar, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl.AG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

1. Prayer in this petition is for quashing of order dated 19.07.2022 (Annexure P1) passed by respondent No.3-Divisional Commissioner, Karnal Division, Karnal, whereby petitioner's request for grant of parole has been rejected.

2. Petitioner has been convicted and sentenced to undergo imprisonment for 14 years by learned Additional Sessions Judge, Bhiwani in case arising out of FIR No.104 dated 09.06.2016 under Sections 120B/307/34 IPC and Section 25 of the Arms Act. Appeal against the said conviction and sentence is pending before this High Court.

3. Petitioner has applied for agriculture parole and to meet his family members. Same has been rejected by respondent No.3 vide impugned order dated 19.07.2022. Aggrieved therefrom, present petition has been filed.

4. Learned counsel for the petitioner submits that impugned order dated 19.07.2022 is clearly unsustainable as it has been passed on considerations alien to the specific provisions of law. It is further submitted that case of the petitioner for grant of parole was duly recommended by the Superintendent, District Jail, Karnal, however, the same has been rejected by the authorities in an arbitrary manner whereas his case for parole is fully covered under the applicable provisions.

5. Learned counsel for the State, however, opposed the prayer of the petitioner on the ground he is involved in a number of other criminal cases and is likely to commit some offence again, if released on parole.

6. Heard learned counsel for the parties.

7. Perusal of order dated 19.07.2022 (Annexure P1) reveals that petitioner's application for parole has been rejected on the ground that petitioner may abscond or commit other offence, after his release on parole.

8. It is relevant to refer to Section 8 of the 2022 Act, which 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.”

9. It has been held in a plethora of cases that temporary release of a prisoner on parole or furlough can be denied only if such release is likely to endanger security of State or maintenance of public order. For arriving at such satisfaction that danger to security of State or maintenance of public order is indeed present, there has to be sufficient material before the District Magistrate for consideration. In the present case, there are general allegations that petitioner may abscond or get involved in other criminal case, if released on parole. However, no material has been adverted to in the impugned order or the reply to the petition or by learned State counsel during the course of arguments to justify such apprehension. Insofar as other cases against the petitioner are concerned, it is not denied that in almost all of them, petitioner has been acquitted. Furthermore, no provision of 2022 Act has been cited which can be a bar/impediment for release of the petitioner on parole.

10. At this stage, we take note of the submission of learned counsel for the State that as per Section 11(6) of the 2022 Act if one of the co-convict is on parole, the other cannot be released. In the present case, it is submitted, that application of the co-convict is under consideration. But that as it may, the same cannot by itself be an impediment in considering the case of the petitioner for parole. In case the petitioner is found entitled to parole, the same can be scheduled accordingly.

11. In our considered opinion, reasons for declining parole to the petitioner in the facts and circumstances of the case are unsustainable. The present case calls for reconsideration of the matter by the competent authority in

accordance with law and parameters as laid down for grant of parole.

12. Accordingly, order dated 19.07.2022 (Annexure P1) passed by respondent No.3 is set aside with a direction to the competent authority to reconsider the matter and decide the same expeditiously and preferably within a period of two weeks from receipt of certified copy of this order, by passing a speaking order, in accordance with law.

13. Writ petition is accordingly disposed of.

**(LISA GILL)
JUDGE**

May 18 , 2023
'om'

**(RITU TAGORE)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No