

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-7946-2022 (O&M)
Date of Decision:-5.1.2023

Rameshwar @ Behra

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Susheel Gautam, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 19.7.2022 (Annexure P-1) passed by learned Divisional Commissioner, Karnal Division, Karnal vide which an application submitted by the petitioner seeking grant of parole so as to attend to agricultural work has been declined.
2. Learned counsel for the petitioner has submitted that the application for grant of parole has been declined mainly on the ground that the petitioner has two young sons and that they are capable to look after the agricultural activities, whereas his sons are not into cultivation. Learned counsel for the petitioner has further submitted that admittedly the petitioner had previously been granted parole on several occasions total amounting to about 90 weeks and had always surrendered back in time and had never misused the concession

of parole and that, in these circumstances, there was no occasion to decline the application of the petitioner seeking grant of parole so as to attend to agricultural work.

3. Learned counsel for the petitioner presses into service judgment of this Court rendered in CWP No.30796-2018 titled Yogender @ Yogi Versus State of Haryana and others on 14.2.2019, wherein in identical circumstances, where an application for grant of agricultural parole had been declined on the ground that the petitioner had a son and was able to do agricultural work, this Court held that the mere fact that a convict has a son or a daughter would not be a ground to decline the parole and the impugned order was accordingly set aside and a direction was issued to the authorities concerned to reconsider the case of the petitioner.
4. Learned State counsel has, however, opposed the petition on the ground that under the new Act i.e. Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, there is no specific provision for grant of parole on agricultural ground.
5. This Court has considered the rival submissions.
6. At the very outset, it may here be mentioned that under the new Act i.e. Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, no specific category of parole on 'agricultural grounds' has been carved out, but the same would not mean that a person cannot apply for grant of parole so as to attend the agricultural activities. Rather, this Court finds that Section 3 of the said Act does not prescribe any specific ground for grant of parole and it is for the authorities concerned to consider the genuineness of the ground on which parole has been sought.

7. In the instant case, the reason assigned for declining the parole to the petitioner does not appeal to reason particularly in view of ratio of Yogender @ Yogi's case (supra). The instant petition, as such, is accepted and the impugned order dated 19.7.2022 (Annexure P-1) is set aside. The authorities concerned are directed to consider the matter afresh while bearing in mind that the petitioner had earlier been granted parole on several occasions and is not stated to have misused the said concession. The matter be decided afresh expeditiously preferably within a period of 2 months from today.

5.1.2023

pankaj

(**Gurvinder Singh Gill**)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No