

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

CRWP-9698-2022

Date of Decision: 06.01.2023

Ajmer

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 16.09.2022 (Annexure P-1) passed by the Divisional Commissioner, Karnal Division, Karnal (respondent No.2) vide which an application moved by the petitioner seeking grant of regular parole for 10 weeks under provisions of Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 has been declined.
2. Learned counsel for the petitioner submits that the petitioner's application has been declined vide impugned order solely on the ground that in case the petitioner is released on parole, some untoward incident can happen and on account of which the atmosphere of the society/village would be affected and peace would be hampered. Learned counsel further submits that the petitioner had been granted parole on 7 different occasions previously and had always surrendered back in time and that there is no such allegation or conduct on his part during the last more than 5 years from which it could be inferred that he

would hamper peace. Learned counsel for the petitioner in this regard has drawn the attention of this Court to para 3 of the reply on merits filed by the State, wherein the details of the parole/furlough availed off by the petitioner on previous occasions have been mentioned as follows:

S. No.	Type of Leave	Duration of Parole/Furlough	Remarks
(i)	4 Weeks Parole	20.12.2011 to 18.01.2012	Reported back on due date & time
(ii)	11 days Parole	16.04.2021 to 28.04.2012	Reported back on due date & time
(iii)	3 Weeks Furlough	18.02.2016 to 11.03.2016	Reported back on due date & time
(iv)	4 Weeks Parole	22.06.2016 to 21.07.2016	Reported back on due date & time
(v)	4 Weeks Parole	12.04.2019 to 11.05.2019	Reported back on due date & time
(vi)	2 Weeks Furlough	29.10.2021 to 13.11.2021	Reported back on due date & time
(vii)	2 Weeks Furlough	17.02.2022 to 04.03.2022	Reported back on due date & time

3. Learned State counsel has, however, opposed the petition on the ground that in view of the provisions of Section 8 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 and the specific report of the Superintendent of Police concerned regarding likelihood of some untoward incident, no case for release of the petitioner on parole is made out.
4. This Court has considered rival submissions.
5. Having regard to the fact that the petitioner had been granted parole on as many as 7 previous occasions and had always surrendered back in time and there is no such conduct on his part, which could be said to be any pointer as regards apprehension of breach of peace, the impugned order

dated 16.09.2022 cannot sustain and is hereby set aside. The authorities concerned are directed to decide the matter afresh while duly taking into account the ratio of judgment delivered by a Division Bench of this Court in CRWP-1350-2022 titled 'Phool Kumar Vs. State of Haryana & others' on 25.04.2022.

6. The needful exercise be done expeditiously within a period of one month from today.

06.01.2023

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**