

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CRWP-9372-2023
Date of Decision: 08.11.2023

BijenderPetitioner
Versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Hoshiar Singh Jaswal, Advocate, for the petitioner.
Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J.(ORAL)

1. The petitioner has challenged the order dated 05.09.2023 (Annexure P-1), whereby, his application for release of regular parole for five weeks has been rejected.
2. Learned counsel submits that the applicant has been convicted and sentenced to undergo imprisonment for life. He has undergone a sentence of 5 years, 7 months and 28 days. He had been granted parole on one occasion earlier for a period of five weeks and had promptly surrendered on its expiry. There was no untoward incident and therefore, the rejection of his case for parole on the ground of an adverse report furnished by the District Magistrate is erroneous. He has also been released on furlough for a period of 21 days and had promptly surrendered.
3. Learned State counsel has filed reply by way of affidavit of Superintendent, District Jail, Karnal. He while referring to the reply submits that the case of the petitioner for release of parole has been rejected as an adverse report has been received from the District Magistrate, Jind, that on the release of the petitioner, he may commit another crime and there would be threat to the security of the general public.

4. Heard.

5. The applicant is stated to be convicted in FIR No.387 dated 22.11.2017 for the offence under Sections 302 IPC and Section 25 of Arms Act and sentenced to undergo imprisonment for life. He had also stated to have availed the benefit of parole/furlough and had surrendered by the due date. He has undergone an actual sentence of 5 years, 7 months and 28 days. The grant of parole enables the convict to maintain contact with the society and would facilitate his reformation as a responsible citizen on his release.

6. The petitioner had earlier been released on parole as well as furlough and there was no untoward incident. It is therefore, manifest that the impugned order is based on a report of the District Magistrate which appears to be without application of mind and is not founded on material facts. It is based on a mere apprehension which has no basis in reality considering that the petitioner had earlier been released as well and no such incident was reported as contemplated in the report of the District Magistrate.

7. In view of the above, the present petition is allowed and impugned order is set aside. The petitioner would be released on parole for a period of 5 weeks in terms of Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, and he shall surrender to the concerned Jail authorities by 5:00 p.m. after a expiry of period of 5 weeks.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

08.11.2023
anil

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