

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

CRWP No.11409 of 2022 (O&M)
Date of decision : February 07, 2023

Amit alias Meeta

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Ms.Harshita Kalra, Advocate for the petitioner.

Mr.Anmol Malik, DAG, Haryana.

HARINDER SINGH SIDHU, J.

Amit alias Meeta - petitioner, who is undergoing rigorous imprisonment for life in case FIR No.529 dated 10.09.2017 registered under Sections 201/302/376-D/120-B IPC, Section 4 & 5 of IT Act and Section 25 of the Arms Act, Police Station Meham has filed the instant petition praying for his release on parole/furlough for the purpose of meeting his family members.

Respondent No.3 – Divisional Commissioner, Rohtak Division Rohtak vide order dated 12.10.2022 (Annexure P-3) has rejected the request of the petitioner while observing as follows:

“The District Collector has not recommended the release of the prisoner on regular parole in view of the seriousness of the report of the Superintendent of Police and the Sections of the case registered against the prisoner. Therefore, on the basis of the report of the District Collector and Superintendent of Police, Jind, the parole application of Amit alias Meeta son of Prem, is rejected.”

Ms.Harshita Kalra, Ld. Counsel for the petitioner has

contended that it has been recorded in the impugned order that as per the report of the Superintendent of Jail the petitioner is eligible for parole. However, the parole has been rejected merely on the basis that it was not recommended by the Superintendent of Police and the District Magistrate. She argued that there is nothing in the report of the Superintendent of Police, Jind which would justify rejection of the parole. In the impugned order the report of the Superintendent of Police has been referred to as under:

“According to the report of the Superintendent of Police, Jind, the prisoner is unmarried. The prisoner lives in a joint family, the prisoner's family consists of parents, one one brother and two sisters. The prisoner has not been proved to be a habitual offender and has not been found to have been involved in any other offence.”

She argued that in the face of this report it is incomprehensible as to why the District Magistrate, has not recommended the release of the prisoner on parole. No ground/s for rejection, as provided in Section 8 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (for short “the Act”) has been mentioned either in his report by the District Magistrate or in the impugned order by the Divisional Commissioner.

Reply has been filed by the Deputy Superintendent, District Jail, Rohtak, which mentioned that other than the present case the petitioner was involved in four other cases in which he has been acquitted. The details of the cases have been mentioned in the reply. In the reply the report of the Superintendent of Police, Jind dated 22.08.2022 has also been annexed (R/T-2), which reads as under:-

“Verification of accused Amit @ Meeta s/o Prem,

resident of Ward No.01, Julana has been done through S.H.O., P.S.Julana. Detail of report is as under:-

- 1. Accused is verified to be a permanent resident of above said address.*
- 2. Accused is verified to be of aged 29 years and unmarried.*
- 3. Accused is verified to be reside in joint family.*
- 4. In the family of accused, father of accused Prem Singh aged 52 years who does agriculture work, mother Nirmala aged 48 years is a house wife, brother Jatin aged 27 years who does agriculture work and two sisters Reena aged 32 years is married, Soni aged 30 years unmarried and services in Railway Department.*
- 5. Accused is not verified to be a habitual offender.*
- 6. Accused is not verified to be involved in dacoity or in any offence mentioned by the State Government in notification.*
- 7. Details of family members is given in point NO.4.*
- 8. Accused is confined in District Jail Rohtak in case FIR No.529 dated 10.09.2017, u/s 302/201 IPC & 25-54-59 Arms Act, P.S.Lakhan Majra*

Note: Release of accused on parole is not recommended.”

A perusal of the aforesaid reveals that it has been verified that the petitioner is not a habitual offender nor he is involved in dacoity or in any offence mentioned by the State Government in notification (*of the Act*), Still without assigning any reason, his case for parole has not been recommended.

Section 8 of the Act specifically provides that 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.

In the report of the Superintendent of Police or the impugned order passed by the Divisional Commissioner, Rohtak, no such satisfaction that the release of the petitioner is likely to endanger the security of the State or the maintenance of public order or cause reasonable apprehension of breach of peace, is recorded. Nor is there any material to justify such satisfaction. Hence, the impugned order cannot sustain.

As per Section 3(2) of the Act a convicted prisoner may be released on regular parole for ten weeks in a calender year cumulatively . The parole may be availed of in two parts.

Accordingly, the petition is allowed. The impugned order dated 12.10.2022 (Annexure P-3) is quashed. The respondents are directed to release the petitioner on parole for a period of **four weeks** subject to his furnishing bond/ surety to the satisfaction of the District Magistrate/ Competent Authority. The petitioner shall surrender before the Jail authorities on the expiry of the parole period.

(LALIT BATRA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

February 07, 2023
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No