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

CRWP-217-2024 (O&M)
Date of decision: 14.12.2023

Raj Kumar @ Pannu

... Petitioner

Vs.

State of Haryana and others

... Respondents

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

**Present: Mr. Navdeep Singh, Advocate
for the petitioner.**

Mr. Rahul Dev Singh, Addl. AG, Haryana.

SUDHIR SINGH, J. (ORAL)

The petitioner has challenged the order dated 13.12.2023
(Annexure P-1), whereby his application for regular parole has been declined.

2. Learned counsel for the petitioner submits that the petitioner had
been convicted under Section 302 read with Section 34 IPC and Section 25 of
Arms Act in FIR No.359 dated 01.08.2018, registered at Police Station
Kharkhoda, District Sonapat and sentenced to undergo imprisonment for life.
Besides the aforementioned case, the petitioner is not involved in any other criminal
case. He has undergone an actual sentence of 03 years and had maintained
good behaviour.

3. Learned State counsel has filed the reply by way of affidavit of Deputy Superintendent, District Jail, Yamuna Nagar, wherein it is stated that fresh order was passed on 07.03.2024 by the Commissioner, Ambala Division, Ambala, who relying upon the report of the District Magistrate, Sonapat, has rejected the application of the petitioner for grant of regular parole.

4. Heard.

5. The petitioner had been convicted under Section 302 read with Section 34 IPC and Section 25 of Arms Act in FIR No.359 dated 01.08.2018, registered at Police Station Kharkhoda, District Sonapat and sentenced to undergo imprisonment for life. He is not involved in any other criminal case. It is manifest from perusal of the order dated 07.03.2024 (Annexure R-1/T) that case of the petitioner for release on parole has been rejected, as it is stated that he has enmity with the complainant party and may once again harass the complainant party and commit another crime, which can lead to disruption of public and social order. It is difficult to fathom as to how a convict, who is involved in a solitary case, would be in a position to disrupt the public and social order. It is necessary for a convict to maintain his contact with the society to enable him to reform and transform himself into a responsible citizen at the time of his release after completion of the sentence. It is patent that the orders dated 13.12.2023 and 07.03.2024 rejecting the case of the petitioner are arbitrary and without application of mind and therefore, deserve to be set aside.

6. Consequently, the petition is allowed and the impugned order dated 13.12.2023 (Annexure P-1) as well as the order dated 07.03.2024

(Annexure R-1/T) are set aside. The petitioner would be released on parole for a period of five weeks from the date of his release subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and on expiry of five weeks, he shall surrender before the concerned jail by 05.00 p.m.

7. At the time of his release, the SHO, Police Station Kharkhoda, District Sonapat shall be informed. The petitioner shall furnish his mobile number to him and keep the location of his mobile on during the period of parole.

[ANUPINDER SINGH GREWAL]
JUDGE

[KIRTI SINGH]
JUDGE

11.03.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No