

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

225

CRWP-386-2024

DATE OF DECISION: 08.02.2024

MUKESH KUMAR ALIAS GUDDU

... Petitioner (s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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

Present: Mr. Davneet Sangwan, Advocate and
Mr. Sahil Chaudhary, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 16.08.2023 (Annexure P-1) passed by respondent No.3-District Magistrate, Baghpat, UP and the order dated 19.10.2023 (Annexure P-2) passed by the Divisional Commissioner, Ambala whereby his application for temporarily release on parole has been rejected.

2. Learned counsel for the petitioner submits that the petitioner has been convicted in FIR No.121 dated 16.04.2011 under Sections 302, 328, 120-B & 460 IPC and sentenced to undergo rigorous imprisonment for natural life. The case of the petitioner for his release on parole had been recommended by the jail authorities to the District Magistrate, Baghpat, UP where the petitioner resides but the same had been rejected on the ground that he is likely to abscond. He, however, submits that besides the aforementioned case, there is no other criminal case against the petitioner.

3. Learned State counsel has filed reply by way of an affidavit of Superintendent, Central Jail, Ambala which is taken on record. Copy thereof has been furnished to the learned counsel for the petitioner. Learned State counsel, while referring to the reply, submits that the case of the petitioner for release on parole had been rejected by the District Magistrate, Baghpat (U.P.) on the basis of the report of the Superintendent of Police, Baghpat (U.P.).

4. Heard.

5. The petitioner had been convicted under Sections 302, 328, 120-B & 460 IPC and sentenced to undergo rigorous imprisonment for natural life. The case of the petitioner for release on parole was recommended by the jail authorities but the same has been declined by the District Magistrate, Baghpat on account of adverse report received from the Superintendent of Police, Baghpat (U.P.). The basis of opposition to the release of the petitioner on parole as expressed by the Superintendent of Police, Baghpat is that the petitioner has committed heinous crime of murder and he may commit another offence and abscond from parole. The District Magistrate, Baghpat has thus opposed the release of the petitioner and not recommended the parole. The petitioner is not involved in any other case. He has undergone an actual sentence of over 12 years and 9 months. It is difficult to comprehend as to on what basis, the Superintendent of Police and District Magistrate had arrived at the conclusion that the petitioner may commit another offence especially when besides the afore-noted case, he is not involved in any other criminal case. It is necessary for the petitioner to maintain his contact with his family which would facilitate his reformation as responsible citizen at the time of his release. It would be in the interest of justice if the petitioner is granted parole

for a period of 05 weeks. Therefore, the impugned orders rejecting the application of the petitioner are unsustainable.

6. Consequently, the petition is allowed and the impugned orders dated 16.08.2023 (Annexure P-1) passed by respondent No.3-District Magistrate, Baghpat, UP and the order dated 19.10.2023 (Annexure P-2) passed by the Divisional Commissioner, Ambala are set aside. The petitioner shall be granted parole for a period of 05 weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority. He shall surrender in the concerned Jail by 05:00 p.m. after a period of 05 weeks from his release.

Pending application(s), if any, also stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

08.02.2024

SwarnjitS

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