

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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CRWP No.1527 of 2024.
Date of Decision: 01.08.2024.

Rajbir Singh
State of Haryana and others

VERSUS

....Petitioner.
....Respondents.

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

Present: Mr. Randeep Singh Dhull, Advocate for the petitioner.
Mr. Rahul Dev Singh, Additional Advocate General, Haryana.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged order dated 18.01.2024 (Annexure P-1), whereby his application for release on parole has been rejected.

2. Learned counsel for the petitioner submits that case of the petitioner for grant of parole has been erroneously rejected on the ground that he had overstayed when he was granted parole/furlough in the year 2006 although subsequently, the petitioner had availed parole six times and had surrendered in time. The petitioner has undergone an actual sentence of around 13 years and, therefore, he is fully eligible to be released on parole.

3. Learned State counsel while referring to the reply filed on behalf of respondents submits that petitioner had earlier been granted parole in the year 2006 and did not surrender back and was apprehended after a period of 06 years, 02 months and 27 days.

4. Heard.

5. The petitioner has been convicted under Section 302/201 IPC in FIR No.372 dated 11.10.2003 registered at Police Station Safidon, District

Jind and and has been undergoing his sentence. He has undergone an actual sentence of around 13 years. His case for release on parole has been rejected on the ground that he had absconded in the year 2006 and was arrested and brought back to jail after six years. However, petitioner appears to have been granted parole on six occasions after 2019, which have been set out in paragraph 4 of the reply. The petitioner had surrendered in time and has not misused the concession after the year 2006. It is necessary for a convict to maintain his contact with society to enable his reformation and transform him into a responsible citizen at the time of his release after completion of sentence. We do not find any impediment in releasing the petitioner on parole. Thus, impugned order (Annexure P-1) rejecting the case of the petitioner for release on parole is unsustainable and deserves to be set aside.

6. Consequently, the petition is allowed and the impugned order dated 18.01.2024 (Annexure P-1) is set aside. The petitioner shall be released on parole for a period of five weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and on expiry of five weeks, he shall surrender to the concerned jail.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

01.08.2024
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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No