



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CRWP No.6800 of 2024 (O&M).
Date of Decision: 29.10.2024.**

Hardeep

....Petitioner.

VERSUS

State of Haryana and others

....Respondents.

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

Present: Mr. Randeep S. Dhull, Advocate for the petitioner.

Mr. Rahul Dev Singh, Additional Advocate General, Haryana.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 24.05.2024 (Annexure P-1), whereby his application for release on parole has been rejected.

2. Learned counsel for the petitioner submits that the petitioner has been convicted under Sections 302 read with Section 34 IPC and Section 25 of Arms Act and sentenced to undergo rigorous imprisonment for Life in FIR No.199 dated 29.05.2017, registered at Police Station Kundli, District Sonipat. The petitioner has undergone an actual sentence of more than 05 years and he is not involved in any other criminal case and, therefore, he is fully eligible to be released on parole. The case of the petitioner for release on parole has been erroneously rejected on the ground that the 2024 Lok Sabha elections were around the corner and there was an apprehension that his release was likely to cause breach of peace. He, however, submits that the petitioner has been convicted only in this case and he is not involved in any other case. He further submits that the Lok Sabha elections have also concluded.

3. Learned State counsel while referring to the reply filed on behalf of respondents 1 to 4 submits that the case of the petitioner was rejected on

the ground that present case is of heinous nature and petitioner is likely to jump the parole and he may become fearless even after his presence of strict law and order and judicial system.

4. Heard.

5. The petitioner has been convicted in the afore-noted case and is undergoing his sentence. He has undergone sentence of more than 05 years and he is not involved in any other criminal case. His case for release on parole has been rejected on the ground that present case is of heinous nature and petitioner is likely to jump the parole and he may become fearless even after the presence of strict law and order and judicial system. It is difficult to comprehend as to how the release of the petitioner who is involved in a single criminal case and has undergone actual sentence of more than 05 years, would endanger law and order and judicial system in case he is released on parole. 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. Consequently, we are of the considered view that impugned order dated 24.05.2024 (Annexure P-1) has been passed without application of mind. 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 24.05.2024 (Annexure P-1) is set aside. The petitioner shall be released on parole for a period of six weeks subject to his furnishing necessary surety bonds to the satisfaction of the competent authority and on expiry of six weeks, he shall surrender to the concerned jail.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

29.10.2024
jitender

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