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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-7825-2024 (O&M)

Date of decision: September 05, 2024

Suresh

....Petitioner

versus

State of Haryana and others

....Respondents

**CORAM: HON’BLE MR. JUSTICE SUDHIR SINGH
HON’BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Davneet Sangwan, Advocate for the petitioner.

Mr. Shubhra Singh, Additional AG Haryana.

SUDHIR SINGH, J. (ORAL)

Present petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, for issuance of a writ in the nature of Mandamus for directing respondents No.2, 3 and 5 to release the petitioner on parole for 10 weeks, under Section 3(1)(d) of the Haryana Good Conduct Prisoners Temporary Release Act, 1962, while setting aside the order dated 08.07.2024 (Annexure P-1), passed by the Commissioner, Karnal.

2. Learned counsel for the petitioner submits that petitioner is a convict in FIR No.352 dated 02.09.2017, under Sections 302, 307 IPC and Section 25 of the Arms Act, registered at Police Station Sadar Sonipat, District Sonipat. It is further submitted that the petitioner has preferred an appeal against his conviction/ sentence before this Court, which is pending adjudication.

2.1. Learned counsel submits that vide impugned order dated 08.07.2024 (Annexure P-1), parole of the petitioner for 10 weeks was rejected.

3. Vide order dated 20.08.2024, while issuing notice of motion, learned State counsel was directed to file response.

4. Today on the resumed hearing, learned State counsel does not controvert the factual position, and submits that the persons from none of the villages of the victims apprehend no breach of peace. She has tendered a status report by way of an affidavit dated 01.09.2024, in course of hearing, and the same is taken on record. Relevant Paras-2 to 5 thereof read thus:-

“2. That in the present case, with a view to ascertain the reasons as to how, there is apprehension of breach of public peace in the present case, if petitioner is released on 10 weeks parole, enquiry was conducted by joining the co-villagers of petitioner in village Ratdhana, District Sonipat namely Om Parkash Numberdar, Rajbir son of Devi Singh, Ram Kishan son of Wazir Singh, Nawab Singh son of Rampat, Ved Singh son of Fateh Singh, Jaibir son of Balwan, Deepak son of Ranbir, Sandeep son of Suresh and Naresh son of Ved Singh. The above named persons in their statements Annexure-R1 to Annexure-R2 stated that they personally know Suresh son of Shri Ved Singh, resident of village Rathdhana, District Sonipat and there is no apprehension of breach of common peace in village Ratdhana, District Sonipat, if Suresh comes on parole in the village and the villagers have no objection, if said Suresh comes on parole.

3. That thereafter, the family members and co-villagers of victims namely Smt. Seema Sarpanch, village Butana Khetlan, District Sonipat, Ishwar son of Inder Singh, resident of village Busana, District Sonipat, Jage Ram son of Badlu Ram, Ex-Sarpanch of village Busana, District Sonipat, Sunil son of Virender Singh, resident of village Butana, District Sonipat, who in their respective statements Annexure-R3 to Annexure-R6 stated that none of the family members of deceased Sunny son of Satpal used to reside in village Butana, District Sonipat, as uncles of deceased Sunny are residing in Bhopal, while his mother and daughter are residing in Delhi and convict Suresh son of Vedpal is resident of a distant place from their village. Ishwar son of Inder Singh in his statement stated that Roop Ram (complainant in the present case) son of Hajur Singh is his cousin and he is residing in village Mahipalpur, Delhi

for the last three years and visits their village occasionally. He further stated that petitioner Suresh is resident of village Ratdhana, District Sonipat, which is at a distance of about 50/60 k.m. from their village and there is no apprehension of breach of peace, if said Suresh comes on parole. To the same effect is the statement of Jage Ram, Ex-Sarpanch. The eye witness of the present case namely Sunil son of Virender in his statement stated that he was the eye witness in the present case, in which petitioner Suresh stands convicted and there is no breach of peace, if Suresh comes on parole and he has also no apprehension of breach of peace, if Suresh comes on parole. He further stated that family of deceased Sunny is also not residing in the village. It is submitted that complainant Roop Ram and family of deceased Sunny are not found residing in their respective villages and their complete present address has not been disclosed by their co-villagers.

4. *That in view of the above, from the enquiry made from the above mentioned persons, it has been found that the persons from none of villages i.e. village Ratdhana of petitioner and village Busana and Butana, District Sonipat of the victims, apprehend no breach of peace in their respective village in coming of petitioner Suresh on parole. The families of the victims also do not reside in their villages and used to visit their villages occasionally.*
5. *That as per available record, no other case has been found registered against petitioner.”*

5. We have heard learned counsel for the petitioner as well as learned State counsel and have also perused the case file.

6. From the perusal of impugned order, it is borne out that there is no apprehension in case, the petitioner is released on parole, and even the families of the victims also do not reside in their villages, but used to visit there occasionally.

7. In view of the above, we set aside the impugned order dated 08.07.2024 (Annexure P-1) and grant 10 weeks' parole to the petitioner commencing from the date of release, subject to his furnishing fresh bonds to the satisfaction of the competent authority/Duty Magistrate. The period of 10 weeks shall be counted from the date of his release. The releasing Court/ Duty Magistrate shall also notify the dates of release and surrender of the petitioner.

The petitioner shall surrender before the jail authorities on the date and time to be notified by the releasing Court/Duty Magistrate. After surrender, the petitioner shall furnish a surrender certificate. The State counsel shall also file a report apprising this Court about the surrender of the petitioner.

8. With the aforesaid observations/ directions, the instant petition is disposed of.
9. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(JASJIT SINGH BEDI)
JUDGE

September 05, 2024
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No