



CRWP-7998-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision : 01.10.2024

Devender

... 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 Singh Dhull, Advocate for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 12.07.2024 (Annexure P-1) passed by respondent No.2 whereby his application for release on parole has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner has been convicted under Sections 302/149, 307/149, 148/149 IPC and Section 25 of the Arms Act in FIR No. 327 dated 01.07.2017 registered at Police Station Kharkhoda, District Sonipat and sentenced to undergo rigorous imprisonment for life. The petitioner is involved in 02 other cases but he is on bail in those cases. He had been released on parole on earlier occasion; he did not misuse the concession and had surrendered back in time on its expiry. There was no untoward incident during the period when the petitioner was on parole. He further submits that in the impugned order, reference has been made to a letter sent by one-Shobharam objecting to the



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release of the petitioner on parole but Shobharam is now in custody in a criminal case and he had not raised any objection with regard to the release of the petitioner on parole on previous occasion.

3. Learned State counsel has filed reply by way of an affidavit of Superintendent Jail, District Jail, Nuh on behalf of the respondents which is taken on record. He, while relying on the reply, submits that the case of the petitioner for his release on parole has been rightly rejected as there is an apprehension of breach of peace as there was an old enmity between the petitioner and the injured party and if he comes out from jail, there could be a fight between the parties.

4. Heard.

5. The petitioner had been convicted under Sections 302/149, 307/149, 148/149 IPC and Section 25 of the Arms Act in FIR No. 327 dated 01.07.2017 registered at Police Station Kharkhoda, District Sonipat and sentenced to undergo rigorous imprisonment for life. He is stated to be involved in 02 other cases but he is on bail on those cases. He had earlier been granted the benefit of parole and had not misused the concession. There is no material to indicate that there was an untoward incident or the petitioner had misused the concession of parole when he had been granted the benefit. It is, therefore, manifest that apprehension expressed by the authorities in the impugned order (Annexure P-1) is unfounded and without any basis. It is necessary for a convict to maintain his contact with the society which would facilitate his reformation and transform him into a responsible citizen at the time of his release after completion of sentence. The 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 12.07.2024 (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

October 01, 2024
sonia gugnani

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