



CRWP-12400-2023 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRWP-12400-2023 (O&M)

Date of Decision : August 12, 2024

VED PRAKASH

-PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vaibhav Sharma, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J.

1. Through the instant criminal writ petition, as filed under Article 226/227 of the Constitution of India, read with Section 3 of The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (hereinafter referred to as the 'Act of 2022'), the petitioner seeks grant of 10 weeks' parole, thereby enabling him to meet his family members.

2. The petitioner has been convicted by the learned Sessions Judge, Panipat, through drawing a verdict of conviction on 22.04.2011, in case FIR No.109 dated 10.05.2008, under Sections 302, 392, 397 read with Section 34 of the IPC, registered at P.S. Matlauda, Panipat. Consequent to the drawing of the verdict of conviction, the petitioner has been sentenced to undergo rigorous imprisonment for life.

**REASONS RECORDED IN THE ORDER (ANNEXURE P-1) FOR
DECLINING PAROLE**

3. While undergoing the sentence (supra), as imposed upon him,

the petitioner applied for grant of parole for 10 weeks, however, the respondent No.2, through drawing Annexure P-1, which encompasses the order dated 12.10.2023, declined the request of the petitioner for him being released on parole.

4. A bare glance at the order dated 12.10.2023 (Annexure P-1) makes revelations that the decision to decline parole to the petitioner was anchored upon a report made by the District Magistrate, and, Sr. Superintendent of Police, Muzaffarnagar (U.P.), wherein, an apprehension *qua* the petitioner fleeing from the clutches of law, in case he is released on parole, was expressed.

5. The above assigned reason appears to be an ill-informed reason, as it is not supported by any cogent evidence. If so, without existence of the above tangible evidence on record, the respondent No.2, who drew the order (Annexure P-1), could not draw it, whereby, it rejected the claim for parole, as preferred before it by the petitioner.

6. Not only this, the reply dated 27.02.2024, as became furnished on affidavit of Amit Kumar, Superintendent, District Prison, Karnal, makes revelations that, earlier the petitioner was granted the concession of parole/ furlough on five occasions, details whereof are extracted hereinafter, and, every time he had surrendered on time, without any default.

Sr. No.	Date of Release	Date of Surrender	Parole/ Furlough	Remarks, if any	Granted by Competent Authorities
1.	26.08.2015	24.09.2015	04 weeks' parole	Surrender on due date	Commissioner, Karnal Division, Karnal
2.	22.03.2016	30.03.2016	01 week parole	Surrender on due date	In compliance of order dated 21.01.2016 in CRWP-29-2016

3.	18.01.2019	08.02.2019	20 days' furlough	Surrender due date	on	Commissioner, Karnal Division, Karnal.
4.	02.05.2020	14.04.2021	Special Parole	Surrender due date	on	Hon'ble High Power Committee
5.	26.05.2021	03.10.2021	Special Parole	Surrender due date	on	Hon'ble High Power Committee

7. In view of what has been stated above, this Court deems it fit and appropriate not to curtail the liberty of the petitioner.

8. In sequel, after allowing the present petition, the petitioner is ordered to be released from the prison concerned, by the Superintendent of the prison concerned, from the period commencing from the morning of 16.08.2024 to the evening of 25.10.2024. On expiry of the above term of parole, the petitioner shall forthwith re-step into the prison concerned and if he does not do so, thereupon the SHO of the jurisdictional police station concerned shall forthwith arrest the petitioner and thereafter, shall produce him before the learned Judicial Magistrate concerned.

9. Personal surety bonds comprised in a sum of Rs.50,000/- are ordered to be furnished by the petitioner, before the learned Magistrate concerned.

10. The petition is **allowed** in the above terms.

11. Pending application(s), if any, stand disposed of accordingly.

August 12, 2024

devinder

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No