

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

**CRWP NO. 847 OF 2025 (O&M)
DATE OF DECISION: APRIL 30, 2025**

Deepak

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. U. K. Agnihotri, Advocate with
Mr. A. K. Agnihotri, Advocate,
for the petitioner.

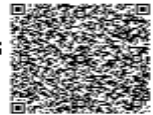
Ms. Shubra Singh, Addl. AG, Haryana.

LAPITA BANERJI, J.

In this petition under Articles 226/227 of the Constitution of India, the petitioner has challenged order dated December 31, 2024 (dispatched on 09.01.2025) (Annexure P-5), whereby application of the petitioner for release of parole, has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner has been convicted under Sections 302 read with Section 120-B and 201 IPC in FIR No.542 dated 26.09.2018 registered at Police Station Sadar Sonipat. The petitioner was sentenced to undergo rigorous imprisonment for life along with fine.

3. Learned counsel for the petitioner submits that there is no other case pending against the petitioner nor has any case been registered against him. The petitioner has also committed no jail offence during the period of incarceration. The petitioner made an application for grant of parole on October 16, 2024. The same was rejected by an order dated December 31, 2024 (Annexure P-5).



4. Learned counsel for the petitioner further submits that the petitioner's parents are old and suffering from various ailments. The petitioner is the only son of his father and only able bodied male in the family who can carry out agricultural work, to earn livelihood, for his family members. It is the petitioner who used to till his father's land for earning bread for his family members. The petitioner's younger sister is unmarried and his daughter is only 07 years old and they are not in a position to earn. The family has no other source of income and the petitioner requests for grant of parole for cultivating, sowing, harvesting etc. of the agricultural land. It is further submitted that the petitioner has been recommended for release by the Sarpanch of Gram Panchayat village Siwanka. Therefore, the petitioner's prayer for grant of parole has been erroneously rejected.

5. Notice of motion was issued on January 29, 2025. Reply by way of an affidavit affirmed by Deputy Superintendent, District Jail, Karnal has been filed by the State and taken on record on April 01, 2025.

6. Learned State counsel, relying on the reply submits that the case of petitioner for being released on parole has been rightly rejected as there is an apprehension of breach of public peace by the petitioner.

7. This Court has heard learned counsel for the parties and perused the material on record.

8. The petitioner was convicted under Section 302 read with Section 120-B and 201 IPC in FIR No.542 dated 26.09.2018 registered at Police Station Sadar Sonipat and sentenced to undergo rigorous imprisonment for life. The petitioner is in custody since December 24, 2018. There is no other case pending or ever registered against the



petitioner. No jail offence has been committed by the petitioner and his conduct inside the jail has been good.

9. There is no material to indicate that if the petitioner is released, there will be breach of public peace or the petitioner may violate the parole rules or may abscond or may commit cognizable offence. Therefore, it is manifest that the apprehension expressed by the authorities in the impugned order dated December 31, 2024 (Annexure P-5), is unfounded and without any basis.

10. 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 his sentence. The impugned order (Annexure P-5) rejecting the case of petitioner for release on parole is unsustainable and deserves to be set-aside.

11. Consequently, the petition is allowed and the impugned order dated December 31, 2024 (Annexure P-5) is set-aside. The petitioner shall be released on parole for a period of six weeks, subject to furnishing of necessary surety bonds to the satisfaction of the competent authority and on the expiry of six weeks, he shall surrender to the jail concerned.

(DEEPAK SIBAL)
JUDGE

(LAPITA BANERJI)
JUDGE

APRIL 28, 2025
Shalini

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