



CRWP-2569-2025

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111 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-2569-2025 (O&M)

Date of Decision: 20.03.2025

Amit @ Moni

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Deepak, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Article 226 of the Constitution, read with Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') read with Section 3(1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1962, *inter alia*, for quashing of impugned order dated 04.03.2025 (P-9), passed by respondent No.3-Superintendent of Police, District Jail, Rohtak; whereby, application of petitioner for grant of parole, was rejected.

(2) Contends that petitioner is a convict in FIR No.592 dated 30.09.2013, registered under Sections 286, 307, 120-B and 148 read with Section 149 of Indian Penal Code, 1860 (for short, 'IPC') and Sections 25 and 27 of Arms Act, 1959, at Police Station Civil Lines Rohtak, District Rohtak and is undergoing 10-year rigorous imprisonment in District Jail, Rohtak. Further contends that the surgeon department of PGIMS Rohtak, operated the petitioner inguinal hernia on 08.02.2025; he got 22 stitches and doctor clearly advised for post operative care and good diet. Further



contends that petitioner is still admitted in jail hospital as his health condition is not stable.

(3) Although there is no formal notice of motion, but learned State Counsel, on instructions, from the quarter concerned, has acknowledged the aforesaid factual position; but opposed the prayer on the premise that petitioner has not completed one year of his imprisonment after conviction as per Section 3(3) of the *The Haryana Good Conduct Prisoners (Temporary Release) Act, 2022*.

(4) Heard both sides and perused the paper book.

(5) Hon'ble the Supreme Court in *Asfaq Vs. State of Rajasthan and others*, 2017 (15) SCC 55 also dealt with the issue of provision of parole and furlough and held that a humanistic approach is to be adopted against those who lodged in jails. The relevant portion is reproduced here as under:-

“15. The provisions of parole and furlough, thus, provide for a humanistic approach towards those lodged in jails. Main purpose of such provisions is to afford to them an opportunity to solve their personal and family problems and to enable them to maintain their links with society. Even citizens of this country have a vested interest in preparing offenders for successful re-entry into society. Those who leave prison without strong networks of support, without employment prospects, without a fundamental knowledge of the communities to which they will return, and without resources, stand a significantly higher chance of failure. When offenders revert to criminal activity upon release, they frequently do so because they lack hope of merging into society as accepted citizens. Furloughs or parole can help prepare offenders for success.

16. Having noted the aforesaid public purpose in granting parole or furlough, ingrained in the reformation theory of sentencing, other competing public interest has



also to be kept in mind while deciding as to whether in a particular case parole or furlough is to be granted or not. This public interest also demands that those who are habitual offenders and may have the tendency to commit the crime again after their release on parole or have the tendency to become threat to the law and order of the society, should not be released on parole. This aspect takes care of other objectives of sentencing, namely, deterrence and prevention. This side of the coin is the experience that great number of crimes are committed by the offenders who have been put back in the street after conviction. Therefore, while deciding as to whether a particular prisoner deserves to be released on parole or not, the aforesaid aspects have also to be kept in mind. To put it tersely, the authorities are supposed to address the question as to whether the convict is such a person who has the tendency to commit such a crime or he is showing tendency to reform himself to become a good citizen.

17. Thus, not all people in prison are appropriate for grant of furlough or parole. Obviously, society must isolate those who show patterns of preying upon victims. Yet administrators ought to encourage those offenders who demonstrate a commitment to reconcile with society and whose behaviour shows that aspire to live as law-abiding citizens. Thus, parole program should be used as a tool to shape such adjustments.”

(6) Present is a fit case where petitioner deserves to be released on parole while adopting a humanistic approach. It is not in dispute that petitioner was operated by inguinal hernia by the surgeon department of PGIMS Rohtak and moreover, every person has a right to live with dignity as well as to grow in life.

(7) In view of above, this Court deems it appropriate to set aside the impugned order dated 04.03.2025 (P-9) and release petitioner on parole



CRWP-2569-2025 **4**

with effect from 21.03.2025 to 17.04.2025, on furnishing requisite personal and surety bonds to the satisfaction of competent authority concerned. Petitioner shall surrender before the Jail Authorities on 18.04.2025 at 11:00 a.m.

- (8) Consequently, present petition is disposed off, accordingly.
- (9) Registry to send copy of this order to the quarter(s) concerned for compliance.
- (10) The above observations be not construed as an expression of opinion on the merits of the case, in any manner.

Pending application(s), if any, shall also stand disposed off.

20.03.2025	(MAHABIR SINGH SINDHU)
Harish Kumar	JUDGE

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