



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

CRWP-4921-2025

Date of decision: 15.05.2025

Mukesh Kumar

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.S. Dhull, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present criminal writ petition has been preferred under Articles 226 and 227 of the Constitution of India read with Section 3 of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 seeking quashing of particulars dated 31.01.2025 issued by Divisional Commissioner, Division Karnal, District Karnal whereby petitioner has been granted the temporary release on parole for a duration of 10 weeks on the condition of him suffering two surety bonds of a sum of ₹2,00,000/- each.

2. Learned counsel for the petitioner, *inter alia*, submits that the petitioner belongs to a Scheduled Caste community, and is a Below Poverty Line (BPL) individual with no surviving parents or spouse. In fact, he has a minor daughter, who is presently studying in 11th standard. Further, the petitioner possesses no substantial immovable property, except for a small ancestral house in his village. In light of this situation, he is unable to arrange for sureties to fulfil the condition imposed for his release on parole. Therefore, he may be allowed to furnish personal bonds of a lower amount, i.e., ₹20,000 each instead of two surety bonds, each in the sum of ₹2,00,000/-. Reliance in



this regard is placed on the judgments rendered in *State of Haryana vs. Jagdish*, 2010(3) JT-341; *Sunil Batra vs. Delhi Administration*, (1978) SC 1675; *Maneka Gandhi vs. Union of India and Another*(1978)1 SCC 248; *Charles Sobraj vs. Superintendent Central Jail, Tihar, New Delhi* (1978) 4 SCC 104 and *Mahidul Sheikh vs. State of Haryana* (2022) 2 RCR (Criminal)26.

3. Having heard the learned counsel for the petitioner and upon perusal of the records with his able assistance, it is apparent that the petitioner has been awarded Warrant of Temporary Release dated 31.01.2025 (Annexure P-2) for 10 weeks in view of his good conduct by Divisional Commissioner, Division Karnal, District Karnal. Furthermore, the petitioner has no surviving immediate family that could assist him in the present situation.

4. Parole, being a reformatory tool, must be accessible in substance and not merely in form. The imposition of onerous financial conditions upon a prisoner, without due consideration of his economic capacity, amounts to discrimination on the basis of wealth and results in social marginalisation. Such an approach effectively transforms a constitutional right into a privilege only accessible to the economically advantaged individuals.

5. A two Judge bench of the Hon'ble Supreme Court in *Asfaq vs. State of Rajasthan*, (2017) 15 SCC 55, speaking through Justice A.K. Sikri, held as follows:

“12. A convict, literally speaking, must remain in jail for the period of sentence or for rest of his life in case he is a life convict. It is in this context that his release from jail for a short period has to be considered as an opportunity afforded to him not only to solve his personal and family problems but also to maintain his links with society. Convicts too must breathe fresh air for at least some time provided they maintain good conduct consistently during incarceration and show a tendency to reform themselves and become good citizens. Thus, redemption and rehabilitation of such



prisoners for good of societies must receive due weightage while they are undergoing sentence of imprisonment.” (emphasis added)

6. Keeping any convict behind bars when they are otherwise eligible to be released on parole, merely for the reason of financial incapacity, is thoroughly unjustified in view of the constitutional spirit. The overarching aim of granting the concession of parole is to allow the convicts an opportunity to reform and reintegrate into the society. This opportunity ought to be available to all citizens in spite of their economic background for the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 to achieve its objective.

7. In light of the above observations, this Court finds that the condition of furnishing two surety bonds for the amount of ₹2,00,000/- each vide Warrant of Temporary Release dated 31.01.2025 (Annexure P-2), is arbitrary and disproportionate. Accordingly, the present petition is allowed and the said condition is hereby set aside. Further, the petitioner is directed to be released on parole granted to him, upon furnishing a personal bond in the sum of Rs.20,000/-.

8. Pending miscellaneous application(s), if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.05.2025

Neha

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