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

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**CRWP-11530-2024 (O&M)****Date of decision: 31.01.2025****Ramesh Kumar @ Kaka****...Petitioner****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Harshita, Advocate  
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

**MANISHA BATRA, J. (Oral)**

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuing a writ in the nature of Certiorari for quashing the order dated 03.08.2023 (Annexure P-1), passed by respondent No. 2-Divisional Commissioner, Ambala, whereby the application filed by the petitioner for grant of regular parole for a period of ten weeks had been rejected.

2. Learned counsel for the petitioner has submitted that the petitioner had been held guilty and convicted for life imprisonment till natural death in case arising out of FIR No. 480 dated 09.10.2011, registered under Sections 364-A, 302, 201 and 34 of IPC at Police Station City Jagadhri, Yamuna Nagar. He had filed an appeal against his conviction, which had been dismissed by this Court, vide judgment dated 06.09.2019 passed in **CRA-D-815-DB-2014**. The petitioner had moved an application for grant of regular parole for a period of ten weeks, which was forwarded by the jail authorities to respondent No. 2-Divisional Commissioner, Ambala for final

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decision. However, the same had been rejected by respondent No. 2 on the ground that the petitioner was not having any permanent residence and he could not be supervised after being released on parole. It is further argued that Haryana Good Conduct Prisoner (Temporary Release) Act, 2022, which governs parole in Haryana, does not explicitly require a prisoner to have a permanent residence as a condition precedent for grant of parole. The petitioner is in custody for the last about 13 years and he has never availed parole. It is also submitted that the friend of the petitioner, namely Mohammad Furkan, has given an undertaking that he has no objection if the petitioner resides in his house during his parole period. While submitting that the application of the petitioner for grant of regular parole had been dismissed by respondent No. 2 in an arbitrary manner and without assigning any reason as to how the lack of a permanent residence excludes him from being granted the benefit of parole, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on parole for a period of ten weeks.

3. Reply has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Haryana has argued that there is no infirmity or illegality in the impugned order passed by respondent No. 2 as the petitioner has no permanent residence because he has rented out his house and due to that reason, if the petitioner is granted parole, he cannot be supervised. It is, thus, urged that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

5. The petitioner has been convicted and sentenced for life imprisonment till his natural death in the aforesaid case. It is the claim of the

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petitioner that his custody period is 13 years and he has never availed the benefit of parole. A perusal of the impugned order as well as the reply, filed on behalf of the respondent-State, reveals that the only ground taken by respondent No. 2 for denying the grant of parole to the petitioner is that he has no permanent residence as he has rented out his house. It is also revealed that though the petitioner falls under the category of hardcore prisoner but he has spent more than 08 years of imprisonment. As per proviso to Section 6(3) of the Haryana Good Conduct Prisoner (Temporary Release) Act, 2022, a hardcore convicted prisoner who has been sentenced for imprisonment till natural life shall be eligible for emergency parole or regular parole at par with convicted prisoners only after completion of 07 years of imprisonment after conviction. Hence, as per this provision, the petitioner is eligible for grant of parole. So far as the question of lack of a permanent residence is concerned, the grounds of rejection of parole to the petitioner lack any legal parameter. Simply because the petitioner has no permanent residence as he has rented out his house is no ground to deny him the benefit of parole. On a pointed query as to under what rule, the petitioner is necessarily required to have a permanent residence for being granted parole, learned Deputy Advocate General, Haryana has not been able to give any reply. The only requirement, which seems genuine to this Court, is either to furnish the last confirmed address of the convict or the address where he would ordinarily stay during his parole period. This Court has perused Annexures P-3 and P-4, which are undertakings furnished by one Mohd. Furkan and Islam to the effect that they have no objection if the petitioner resides in the house of Mohd. Furkan during his parole. The said house of Mohd. Furkan is situated in District

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Yamuna Nagar only. There is no complaint that the petitioner has committed any jail offence while in custody or his conduct has not been found to be good enough for granting him parole. It is well known that the release of a convict enabling him to meet his family members and friends is part of human rights and the same should not be denied only on technical grounds. Keeping in view the above discussion and the attendant facts and circumstances of the case, the present petition is allowed and impugned order is set aside. The petitioner is ordered to be released on parole for a period of 10 weeks on the following terms and conditions :

- i. The petitioner shall furnish a personal bond in the sum of Rs.50,000/- with the surety of above named Mohd. Furkan in the like amount, to the satisfaction of the Jail Superintendent.
- ii. The petitioner shall report to the SHO of the local area once a week i.e. on every Monday between 10:00 AM to 11:00 AM during the period of parole.
- iii. The petitioner shall furnish a telephone/mobile number to the Jail Superintendent as well as SHO of local police station, on which he can be contacted if required. The said number shall be kept active and operational at all the times by the petitioner.
- iv. The petitioner shall reside at the address of above named Mohd. Furkan i.e. H. No. 49/4, Raipur, Yamuna Nagar, Haryana, subject to verification of this address by the concerned authorities.
- vi. Immediately upon expiry of the period of parole, the petitioner shall surrender before the Jail authorities.
- vii. The period of parole shall be counted from the day when the petitioner is released from jail.

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ix. The Jail Superintendent shall be at liberty to impose any other reasonable condition(s) which he deems fit in the facts of the case.

6. Let a copy of this order be forwarded forthwith to the concerned Jail Superintendent for necessary information and compliance.

31.01.2025

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*