



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

CRWP-11789-2025 (O&M)

Date of Decision:09.02.2026

Nitesh

...Petitioner

Vs.

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT
HON'BLE MR. JUSTICE H.S.GREWAL**

Present : Mr. Randeep Singh Dhull, Advocate, for the petitioner.

Mr. Parmod Kumar, AAG, Haryana.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the present petition 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') for quashing of impugned order dated 11.09.2025 (Annexure P-1) passed by respondent No.2 i.e. Divisional Commissioner, Division Ambala, District Ambala to the extent that a condition has been imposed on the petitioner to furnish two sureties in the sum of Rs.2 lacs each for his release on parole for a period of 10 weeks. A further prayer has been made to direct the respondent No.2 to release the petitioner on personal bonds in view of the fact that the petitioner and his family members are financially

weak and belonged to the “Below Poverty Line” in view of the settled law.

2. Learned counsel for the petitioner submits that the petitioner was convicted by the trial Court in a case arising out of FIR No.448, dated 22.09.2021, under Sections 302, 346, 34, 201 of IPC and Section 25 of Arms Act, registered at Police Station Kurukshetra, District Kurukshetra. The petitioner has filed a Criminal Appeal No. CRA-D-432-2024 titled as **“Nitesh and another Vs. State of Haryana”**, before this Court, which is still pending for further adjudication and is yet to be decided by this Court. He further contends that the petitioner had moved an application before the Superintendent, District Jail, Kurukshetra seeking regular parole for a period of 10 weeks. After examining the matter, it was found that the petitioner was entitled for grant of parole for a period of 10 weeks. However, the petitioner was directed to file a personal bond and two sureties in the sum of Rs.2 lacs each for faithful observance of the conditions specified in the release warrant. However, the petitioner belongs to a very poor family and was unable to furnish two surety bonds to the tune of Rs.2 lacs each. Learned counsel further submits that this Court in CRM-33030 of 2021 in CRA-S-363 of 2020 titled as **“Mahidul Sheikh Vs. State of Haryana”** decided on 14.01.2022 held that a prisoner can always be released on personal bonds and for that some remedial measures shall be taken. Still further, the Hon’ble Supreme Court in the matter of **“State of Haryana Vs. Jagdish”**,

2010(3), JT-341, held that the state has to exercise its power of remission also, keeping in view that any such benefit to be construed liberally in favour of a convict, which may depend upon case to case and for that purpose, in our opinion, it should relate to a policy which, in the instant case, was in favour of the respondent. Still further, due to onerous condition of furnishing two sureties in a sum of Rs.2 lacs, the petitioner has not been able to come out of the jail so far.

3. In pursuance to the notice, a status report has been filed by way of Deputy Superintendent of Prison, District Prison, Karnal and the same is taken on record.

4. Learned State counsel submits that the police officials had visited the house of Nitesh, petitioner and during verification, it was found that his father drives an e-rickshaw, his mother is a housewife, the elder sister is married and the younger sister and younger brother are presently studying. He further contends that the house of Nitesh is constructed on approximately 10 square yards and the roof consists of iron girders and stone slabs. Thus, it is an admitted fact that the petitioner belongs to a very poor family.

4. We have heard learned counsel for the parties and perused the record carefully.

5. In fact, the Hon'ble Supreme Court as well as this Court have held in a number of judgments that while releasing the poor convicts on parole/bail, the Courts must adopt a pragmatic approach and in case, the convict is not able to furnish bail bonds, he may be

ordered to be released on personal bonds. Even, the Hon'ble Supreme Court in the matter of **“Asfaq Vs. State of Rajasthan and others”** had laid the reasons for which “Regular parole and furlough”, may be given and some of the reasons are mentioned below:-

- “i) serious illness of a family member;*
- ii) critical conditions in the family on account of accident or death of family member;*
- iii) marriage of any member of the family of the convict.*
- iv) delivery of a child by the wife of the convict if there is no other member to take care of the spouse at home;*
- v) serious damage to life or property of the family of the convict including damage caused by natural calamities;*
- vi) to maintain family and social ties;*
- vii) to pursue the filling of a special leave petition before this Court against judgment delivered by the High Court convicting or upholding the conviction, as the case may be.”*

6. In the present case also, the respondent No.2 had correctly ordered the release of the petitioner on parole, however, the respondent No.2 had observed that before his release on parole, he shall be liable to furnish personal bonds and two surety bonds in the sum of Rs.2 lacs for faithful observance of the conditions specified in the release warrant of the petitioner. However, we find that the petitioner belongs to an extremely poor family and the imposition of

condition of furnishing the two surety bonds in a sum of Rs.2 lacs each was unreasonable and unjustified. Consequently, the petitioner shall be ordered to be released on parole for a period of 10 weeks, on furnishing his personal bonds in the sum of Rs.2 lacs, which shall be furnished to the satisfaction of the District Magistrate, Alipur, North Delhi. However, he shall not be liable to furnish two sureties in the sum of Rs.2 lacs each for observance of the conditions mentioned in the impugned order dated 11.09.2025 (Annexure P-1) .

7. Thus, in view of the above discussion, the present petition is allowed and the impugned order dated 11.09.2025 (Annexure P-1) passed by respondent No.2 i.e. Divisional Commissioner, Division Ambala, District Ambala is modified to the above extent.

8. All pending applications, if any, are also disposed off, accordingly.

(N.S.SHEKHAWAT)
JUDGE

(H.S.GREWAL)
JUDGE

09.02.2026
Hemlata

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