(2007) 4 RCR(Criminal) 101

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous No. 30380-M of 2006

Ramesh	APPELLANT
Vs	
State of Haryana	RESPONDENT

Date of Decision: Jan. 8, 2007

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 - Section 3(1)(d)

Citation: (2007) 4 RCR(Criminal) 101

Hon'ble Judges: Surya Kant, J

Bench: Single Bench

Advocate: Pankaj Nanhera, for the Appellant; Tarun Aggarwal, D.A.G., Haryana, for the Respondent

Final Decision: Allowed

Judgement

Surya Kant, J.
In this petition u/s 482 Cr.P.C., the Petitioner has sought a direction for his release on agricultural parole for six weeks in terms of the provisions contained in Section 3(1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

2. The Petitioner has also impugned the order dated 28.4.2006 passed by the Additional Director General (Prisons), Haryana (Annexure P1) whereby his case for the grant of aforesaid parole has been turned down on the ground that the reason given by him for parole has been found to be false and "due to factionalism in village, there may be some heinous offence in the village due to the Petitioner"s release on parole....".

3. Notice of motion was issued and in response thereto reply affidavit has been filed by the Superintendent, Central Jail, Ambala on behalf of Respondent Nos. 1 and 2. In the aforesaid reply also, both the above stated reasons have been reiterated.

4. Learned Counsel for the Petitioner, however, points out that earlier also the Petitioner was released on parole on 7 occasions and no untoward incident ever happened in the village. He undertakes that in case the Petitioner is granted parole, he will furnish adequate bonds to the satisfaction of the District Magistrate and will ensure that, like in the past, no incident whatsoever takes place due to his temporary release on parole.

5. Learned State Counsel, however, is not in a position to controvert the aforesaid stand taken by Learned Counsel for the Petitioner.

6. As regard to the second reason, namely, that the Petitioner''s request for agricultural parole has been found to be false, it is pointed out that the Petitioner owns agricultural land in the village and to substantiate the said plea, Learned Counsel for the Petitioner has referred to the revenue record.

7. After hearing Learned Counsel for the parties, it appears that the Petitioner''s case for his release on agricultural parole has been disposed of mechanically and without taking into consideration the relevant and material facts. If it is a fact that in the past the Petitioner was granted parole on 7 occasions and no untoward incident took place in the village, there appears to be no factual basis for any apprehension by the authorities in this regard. Similarly, if the Petitioner owns agricultural land and there is no one to look after the same, it cannot be said that the reason for which he sought parole, is false.

Consequently, this petition is allowed, the impugned order dated 28.4.2006 (Annexure P1) is quashed and the Director General (Prisons), Haryana is directed to reconsider the Petitioner''s request for his release on parole in the light of the above observations and pass an appropriate order within a period of one month from today.