

Khillu Vs State of Haryana and others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Dec. 10, 2008

Citation: (2009) 5 RCR(Criminal) 769

Hon'ble Judges: S.D. Anand, J

Bench: Single Bench

Advocate: Surya Kant Gautam, for the Appellant;

Final Decision: Allowed

Judgement

S.D. Anand, J.
Notice of motion.

2. On the asking of the Court, Mr. S.S. Mor, Senior Deputy Advocate General, Haryana accepts notice on behalf of the respondents.

3. The petitioner had initially filed Criminal Misc. M - 24326 of 2008 which was disposed of by this Court on 18.9.2008 with a direction to the

competent authority to take a decision on the pending parole plea of the petitioner- prisoner within fifteen days from the date of order. The

competent authority declined the parole plea of the petitioner on the basis of report from the District Magistrate concerned that "there is

apprehension of adverse effect on the statute/arrangement of law and order".

4. Though the grant of parole is not a right vested in a prisoner, it also cannot be said that a parole plea can be declined on the basis of a vague

apprehension indicated by the District Magistrate. The principle of transparency validates the view that the authority competent to consider the

request of a prisoner under incarceration must announce to the applicant the reasons for disallowance thereof. The impugned order deserves

invalidation as it fails the test of being self-contained and transparent.

5. The petition shall stand allowed accordingly. The impugned order is set aside. The competent authority is directed to pass an order afresh within

one month from today in the light of the above observations made by this Court. It will be for the State counsel to communicate the order to the

competent authority.

6. Copy of the order be given to the learned State counsel under the signatures of the Court Secretary.