
(2007) 01 P&H CK 0005

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 42029-M of 2006

Angrej Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 09-01-2007

Acts Referred:

Penal Code, 1860 (IPC) — Section 144, 149, 302, 323

Citation : (2007) 3 RCR(Criminal) 645

Hon'ble Judges : Surya Kant, J

Bench : Single Bench

Advocate : Rakesh Kumar, for the Appellant; Tarun Aggarwal, D.A.G., Haryana, for the Respondent

Judgement

Surya Kant, J.—The Petitioner, who is a life convict under Sections 302/323/149/144 IPC, was granted parole from 6.10.2005 to 4.11.2005 for carrying out the repairs of his house. Thereafter, he again applied for his temporary release on parole for the same purpose, namely, the repair of his house. His application has been turned down by the Director General of Prisons, Haryana by passing a speaking order dated 4.6.2006 (Annexure P-1) on the ground that he has already availed parole for house repair.

2. Aggrieved, the Petitioner has filed the present petition in which apart from impugning the aforesaid order, he also seeks a direction to the Respondents to grant him parole for house repairs.

In response to the notice, written statement has been filed by the Superintendent District Jail, Jind in which the same plea as mentioned in the order (Annexure P-1) has been reiterated.

On the other hand, learned Counsel for the Petitioner relies upon an alleged report made by the Sarpanch, Gram Panchayat, Mowana, Block Safidon, District Jind (Annexure P-2) in which it is claimed that the house of the Petitioner is in bad condition. According to learned Counsel for the Petitioner, all the repairs

could not be carried out during the period of the previous parole.

3. After hearing learned Counsel for the parties and having regard to all the attending circumstances, I am of the considered view that the genuineness of the Gram Panchayat resolution/report relied upon by the Petitioner, needs to be verified by the authorities. If it is a fact that the Petitioner's house was in extremely bad shape and could not be completely repaired during the period of his previous parole, there may be justification to release him on parole again for the same purpose.. However, if the said ground has been taken up by the Petitioner as a pretext for his temporary release, this needs to be strictly curbed. It has been noticed by this Court that invariably, the Panchayat reports are being relied upon by the prisoners.

4. Unfortunately, the authorities of the Respondent State, while filing their reply, do not deal with such resolutions/reports, given by the Gram Panchayat as to whether the same are genuine or forged and whether the Sarpanch/Members of the Gram Panchayat have truthfully reported the factual position or not.

5. This petition is accordingly disposed of with a direction to the Director General of Prisons, Haryana, to get the whole matter re-verified in association with the District Magistrate, Jind. If it is found that the alleged report of the Gram Panchayat dated 16.7.2006 is not a genuine document, a specific mention to this effect shall be made in the order rejecting the Petitioner's request for parole. However, if the said resolution is found to be genuine and the facts mentioned therein are also factually correct, the Petitioner's request for his second release on parole for the same purpose shall be objectively re-considered and decided within a period of two months from the date a certified copy of this order is received.

Disposed of.