
(1987) 11 P&H CK 0059

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 810 of 1987

Banwari Lal

APPELLANT

Vs

State of Haryana and ors.

RESPONDENT

Date of Decision : 03-11-1987

Acts Referred:

Citation : (1988) 1 RCR(Criminal) 100

Hon'ble Judges : K.S.Bhalla, J

Advocate : H.P.S. Aulakh, R.A. Sheoran, Advocates for appearing Parties

Judgement

K.S. Bhalla, J.

1. Petitioner Banwari Lal is undergoing life imprisonment in the Central Jail, Ambala, in compliance with the order dated 10101994 of Sessions Judge Narnaul. He applied for his temporary release on parole on 6121985 u/s 3(1)(c) of the Panjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short the Act) for 42 days for agricultural purposes. His application was duly recommended by the Superintendent, Central Jail Ambala. His prayer however was rejected by the DirectorGeneral (Prisons) Haryana, on 2341987 without providing any reasonable cause. Present Criminal Writ Petition has been filed by Banwari Lal for his such release, contending that he has his own land in his village, that there is no male, able bodied member in his family who could look after his agricultural work and that he had earned remissions from the Jail Authorities from time to time on account of his good conduct inside the jail. According to him, the order of rejection of his case on parole deserves to be quashed.

2. From the return filed on behalf of the respondents, it is clear that the conduct of the petitioner in jail was good. Para 5 of the petition where in he has so alleged has clearly been admitted. Para 6 is also only denied for want of knowledge meaning thereby that the contention of the petitioner that he owns land in his village has not been specifically denied nor is it disputed that there is no male able bodied member in the family of the petitioner to look after his

agricultural work. It is further admitted in the written statement that the case of the petitioner was recommended by the Village Panchayat, which too lends assurance with regard to the genuineness, of the grounds alleged by the petitioner. It is further admitted in the written statement that the application of the petitioner for parole was duly recommended by the Superintendent, Central Jail Ambala, and that the prayer of the petitioner was rejected on the ground of apprehension of breach of public peace, based on the statement of Jagmal Singh, opponent of the petitioner. The opinion with regard to apprehension of breach of peace, however, is not based on any data or material. No opponent or a member of a rival group can possibly relish release of a person on parole. It is therefore, highly objectionable to approach the opponents while marking an enquiry for the purpose. No attempt has been made to indicate as to how law and order was likely to be adversely affected by the release of the petitioner on parole. I, therefore find that the denial of the prayer of the petitioner was purely on extraneous and arbitrary grounds, and therefore, cannot be said to be justified. The above referred to undisputed assertions of the petitioner, particularly when they are supported by the local Panchayat, prove the genuineness of his grounds and for obvious reasons he is entitled to temporary release on parole u/s 3(1)(c) of the Act.

3. In the light of what is stated above, the petitioner is ordered to be temporarily released on six weeks" parole to the satisfaction of the District Magistrate, Narnaul.