
(2001) 01 P&H CK 0121

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 40595-M of 2000

Kashmir @ Motu

APPELLANT

Vs

State of Haryana and another

RESPONDENT

Date of Decision : 15-01-2001

Acts Referred:

Citation : (2001) 2 AICLR 520 : (2001) 1 RCR(Criminal) 616

Hon'ble Judges : S.S.Nijjar, J

Advocate : Mr. A.S. Trikha, Advocate. Mr. Sidharth Sarup, AAG, Haryana.,
Advocates for appearing Parties

Judgement

S.S. Nijjar, J. (Oral)

1. This petition seeking a direction to the respondents to release the petitioner on parole for agriculture purposes. The case of the petitioner was investigated by District Magistrate. The report of the District Magistrate, Rohtak, which is based on the basis of the facts verified from the Superintendent of Police, states that there is no agricultural land in the name of the convict. A perusal of the report shows that the District Magistrate has not got the matter verified through the revenue department. It is only based on the report given by the Superintendent of Police. Relying on this order of the District Magistrate, an order dated 16.10.2000 has been passed rejecting the request of the petitioner for being released on parole for agriculture purpose. The petitioner has attached a declaration made by the Panchayat, Annexure P2, in which it is stated that prior to the petitioner being taken into custody, he was cultivating the land belonging to the family. It is further stated that he is the only person in the family who can cultivate the land and other family members are dependent on him. It is further stated that the parents of the convict are of old age and infirm. The convict is the only hope for their existence in this world. This Panchayatnama has been totally ignored by the jail authorities.

2. I am of the considered opinion that merely because the family land does not stand in the name of the petitioner, is not a relevant ground for rejection of the

parole. The respondents were required to consider as to whether or not it was necessary for the convict to be present in the village to cultivate the land. The land which is being cultivated by the petitioner is the only source of existence for his aged parents and the rest of the family. I am of the opinion that the parole case of the petitioner has been rejected arbitrarily.

3. In view of the above, this petition is allowed. The respondents are directed to release the petitioner on agriculture parole for a period of six weeks from the date of receipt of the copy of this order to the satisfaction of the District Magistrate concerned. The release order to take effect from the date the petitioner is actually released. The petitioner shall be released only if he is otherwise eligible for agriculture parole under the rules and regulations. No costs.

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