
(1988) 07 P&H CK 0036

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 674 of 1988

Kishanveer

APPELLANT

Vs

State of Haryana and ors.

RESPONDENT

Date of Decision : 11-07-1988

Acts Referred:

Citation : (1988) 2 AICLR 477 : (1988) 2 RCR(Criminal) 223

Hon'ble Judges : Ujagar Singh, J

Advocate : V.A. Talwar Shri Raghbir Chaudhry, H.P.S. Aulkh, Advocates for appearing Parties

Judgement

Ujagar Singh, J.

1. The petitioner was sentenced to undergo imprisonment for life vide order dated 21.9.1981 passed by the Sessions Judge, Ambala and as on 12.4.1988 has undergone a total period of 12 years and 2 months, including the period as under trial, as also the period earned as remissions.

2. According to the petitioner, to seek release under the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962, this is his first petition for seeking parole with regard to agricultural purpose, which respondent No. 3 recommended to the District Magistrate concerned on the 28.10.1987. A certificate signed by the Pradhan, Gram Panchayat, Kiki Tehsil Mathura, District Mathura (UP) and also signed by the local MLA and two other respectables, recommending the parole asked for is also enclosed. The same is Annexure P1.

3. In paragraph 5 of the petition, the purpose for which parole is requested is mentioned and in the corresponding paragraph of the written reply by the State, the purpose is not denied at all. This paragraph only mentions about the earlier case of parole having been rejected on the basis of a report of the District authorities vide Annexures P1 and P 2.

4. I have heard the learned counsel for the parties and have gone through the record.

5. The only ground for opposing the release of the petitioner on parole for agricultural purpose is that the petitioner, along with other criminals will commit crime and will escape and that his relations and villagers are also not interested in his release. This opposition, as a matter of fact is not sufficient to decline the prayer for parole. This opposition will still exist when the petitioner is released from jail after serving his sentence as prescribed by the rules. Parole has been provided with the intention that the prisoners after their conviction do not feel that, they are not members of their society and are being considered as outlaws. This impression will have adverse affect on a prisoner who is not allowed an opportunity to mix with his own kith and kin to assure them that after having been convicted, he has improved his conduct and has made himself worthy of living as a peaceful citizen. The present laws are intended to be reformatory in nature and it is the policy of the Government also to reform the criminals and give them a chance to improve their conduct.

6. In view of the circumstances of the case, I consider that the basis of opposition of the State to the release of the petitioner on parole can be sufficiently met, if apart from personal bond and surety bond required for his release on parole, the prisoner is also required. to provide personal bond and surety bond to keep peace and be of good behaviour for the parole period. Contravention of these bonds will lead to forfeiture of the same and it will be sufficient to safeguard and to ensure that the prisoner does not indulge in any such activities with may lead to apprehension of breach of peace or commission of any offence.

7. I, therefore. accept this petition and allow parole for only four weeks with effect from the day, following his release from jail and the petitioner is directed to surrender himself en the 29th day of his release after enjoying complete 28 days of parole, He is also directed to furnish personal bond and surety bond to the satisfaction of the District Magistrate concerned for his release on parole for the parole period He is further directed to furnish personal bond and surely bond to the satisfaction of the District Magistrate to keep peace and be of good behaviour during the parole period, failing which the bonds will stand forfeited and the petitioner will surrender immediately before the Superintendent, Central Jail, Ambala.

8. This petition stands disposed of accordingly.