
(1999) 06 P&H CK 0018

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 1806-M of 1999

Madhu @ Madan

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 01-06-1999

Acts Referred:

Citation : (1999) 3 RCR(Criminal) 99

Hon'ble Judges : M.L.Singhal, J

Advocate : D.K. Khanna, S.S. Rana, Advocates for appearing Parties

Judgement

M.L. Singhal, J.

1. This is petitioner's prayer for the grant of agricultural parole to him which should be of six weeks period. Petitioner has averred that he owns land in Village Garhi Alawalpur, Tehsil and District Rewari and he is looking after agricultural operations in the said land. It is further averred that his mother is owner of the land. She has also filed sworn affidavit to the effect that her son i.e. the petitioner has been carrying out the agricultural operations in that land. He has further averred that his mother is an old woman and there is no other adult male member in the family who can carry out agricultural operations in the land. His father is dead. They are agriculture based. Agriculture is the main stay of their life. In Jamabandi Annexure P/3 Bholi has been shown holding some share in land measuring 52 Kanals 2 Marlas.

2. Respondents declined the petitioner's prayer for the grant of agricultural parole saying that there is no agricultural land in his name or in the name of his father and the instructions of the Government are that no agricultural parole can be granted if the petitioner does not hold any land in his own name or in the name of his father.

3. Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 is a beneficial legislation aimed at providing relief to the convicts against continued detention. In Section 3.1(c) the words used are that if the State Government is satisfied

that temporary release of the petitioner is necessary for ploughing, sowing or harvesting or carrying out any other agricultural operation on his land or his father's undivided land actually in possession of the petitioner he can be allowed parole. Object of this Act would be well subserved if the word "father" is understood as including in it the word "mother" also. If the petitioner or his father or mother holds land, he can be allowed parole.

3A. Keeping in view the small share which the petitioner's mother is holding in 52 Kanals 2 Marla of land, I think, 10 days parole to the petitioner is sufficient to carry out agricultural operations. He will be released on parole on his executing necessary bonds before the District Magistrate, Rohtak. He will surrender in jail after the expiry of parole period.

Allowed.