

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.3021 of 2020(O&M)
Date of Decision: 22.04.2020

Devender Kumar

.....Petitioner

Vs

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Kohar, Advocate
for the petitioner.

Mr. Deepak Sabharwal, Addl., A.G. Haryana.

RAJ MOHAN SINGH, J.

[1]. The case has been taken up for hearing through video-conferencing. Petitioner has prayed for issuance of a writ, order or direction, especially in the nature of mandamus, directing the respondents to grant emergency parole for a period of two months for agriculture purposes in order to harvest standing wheat crop and also for plantation of paddy in accordance with the entitlement of the petitioner under Section 3(1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act 1988.

[2]. Learned counsel for the petitioner submits that on 23.03.2020, the Hon'ble Apex Court has directed all the States/U.Ts

to consider grant of parole to the prisoners in lesser offences in order to avoid over-crowding in the prisons in the wake of Covid-19.

[3]. In compliance of the aforesaid directions, the Committee constituted under the Chairmanship of Hon'ble Judge of the High Court, Additional Chief Secretary to Government of Haryana and Director General of Prisons, Haryana has laid down criteria for consideration of cases of parole of the convicts.

[4]. According to the learned counsel for the petitioner, the case of the petitioner falls under Clause D(ii) of the aforesaid report/recommendation(s) of the Committee.

[5]. Learned State Counsel submits that as per his instructions, the case of the petitioner does not fall under Clause D(ii) of the aforesaid recommendation(s) because the petitioner has not availed last one parole peacefully.

[6]. On a pointed question, learned State counsel admitted that the question of availing last one parole does not arise in the present case as the petitioner has not been granted benefit of any parole in the past. So far as under-trial cases of the petitioner are concerned, learned counsel for the petitioner submits that in two of the cases, the petitioner has been discharged and in one under-trial case, he is on bail.

[7]. Be that as it may, I deem it appropriate to dispose of this petition by directing respondents No.2 and 3 to decide the claim of

the petitioner for release on emergency parole for a period of two months for agriculture purposes as per recommendation(s) of the High Powered Committee dated 24.03.2020 in accordance with law within a period of seven days from today.

22.04.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No