

**CRWP-12323-2024 (O&M)**

-1-

105**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-12323-2024 (O&M)
Date of Decision : 10.02.2025**

Anand

....Petitioner

VERSUS

State of Haryana & Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. P.S.Datta, Sr. Advocate with
Ms. Aparna Singhal and Mr. Pawan, Advocates
for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

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SUDEEPTI SHARMA, J. (Oral)

1. The present petition is for issuance of directions to respondents to grant parole to the petitioner Convicted and Sentenced to Life Imprisonment in FIR No.0042/2019 under Sections 376(3), 506 of IPC and Section 6 of POCSO registered at PS Women Police Station, Bhiwani Act vide judgment of conviction and order of sentence dated 04.08.2022 affirmed by this Court vide judgment dated 26.07.2023, for a period of 15 days from 03.01.2025 to solemnize his marriage scheduled on 05.01.2025.

2. On 19.12.2024, the State was directed to file the detailed status report in the present case and the case was adjourned to today i.e. for 10.02.2025. Thereafter, the petitioner filed an application bearing No.CRM-W-166-2025 for amending the prayer in the main petition to the extent of release on parole from 21.02.2025 to 07.03.2025 to solemnize his marriage re-scheduled for 25.02.2025.



3. Learned Senior counsel for the petitioner contends that with the consent of both the parties i.e. the victim as well as the petitioner, their marriage is to be solemnized on 25.02.2025, therefore, now he seeks parole from 21.02.2025 to 07.03.2025.

4. Learned State counsel has placed on record reply/status report dated 07.02.2025 filed by way of affidavit of Devi Dayal Superintendent, District Jail Bhiwani. Relevant portion of the same is reproduced as under:-

“Preliminary Submissions:-

2. That, petitioner/convict Anand S/o Satbir Singh resident of Katesra, Police Station Kalanaur, District Rohtak, was convicted on 04.08.2022 by the learned Court of Ms. Sonika, Additional Sessions Judge cum-Judge, (Fast Track Special Court Under POCSO Act), Bhiwani in case FIR No.42 dated 26.03.2019 U/s 376-C, 506 IPC & Section-6 of POCSO Act.(Conviction U/S 6 of POCSO Act and 506 IPC) P.S. Women Bhiwani District Bhiwani and sentenced as under:-

Sections	Sentence	Fine	Sentence in default of payment of fine
6 of POCSO Act	Rigorous Imprisonment for Life	50,000/-	Simple Imprisonment for a period of one year
506 IPC	Rigorous Imprisonment for three years	5,000/-	Simple imprisonment for a period of one month



Note:- Imprisonment of life means imprisonment for the remainder of natural life of the accused.

3. That the petitioner/convict has undergone actual imprisonment of 03 years, 10 months & 24 days including undertrial period of 01 year, 04 months & 20 days as on 07.02.2025, the details of custody period undergone by the petitioner/convict as on 07.02.2025 is as under:-

Sr.No.	Particulars	Period	Years	Months	Days
1.	Undertrial Period	27/03/2019 to 14/08/2020 02/08/2022 to 03/08/2022	01	04	20
2.	Conviction Period	04/08/2022 to 07/02/2025	02	06	04
3.	Total Sentence undergone		03	10	24
4.	Parole & absent From parole(-)	NIL	00	00	00
5.	Interim Bail (-)	NIL	00	00	00
6.	Actual Sentence undergone		03	10	24

4. That the petitioner/convict has been convicted having committed the rape with a deaf and dumb child girl below the age of sixteen years repeatedly, hence, falls under the category of “Hardcore Prisoner” as per law envisaged under Section 2(1)(g)(i)(6) of Haryana



Good Conduct Prisoners (Temporary Release) Act, 2022, which is reproduced as under:-

2(1)(g) “hardcore convicted prisoner” means any prisoner, who ---

(i) (6) “rape or penetrative sexual assault or aggravated penetrative sexual assault or unnatural offence with a child below sixteen years of age”

5. That the petitioner/convict further categories under the category of Hardcore Prisoner as sentenced the imprisonment for the remainder of natural life, hence further as per law contained under Section 6 sub section (3) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 which is reproduced as under:-

6(3) “Provided that a hardcore convicted prisoner who has been sentenced for imprisonment till natural life shall be eligible for emergency parole or regular parole at par with convicted prisoners only after completion of seven years of imprisonment after conviction”

Therefore, the petitioner/convict has only completed 02 years 06 months & 04 days after conviction, and has not completed requisite 07 years imprisonment after conviction, hence not eligible for any kind of parole at this stage as per law envisaged under the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022. (Copy of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 is annexed as Annexure R-1).



6. That earlier, father of the petitioner/convict, applied for grant of 30 days parole to the petitioner/convict to perform the marriage with victim of this case was duly acknowledged vide this office Endst. No.12462 dated 20.12.2024 after going through record found that the petitioner/convict falls under the category of Hardcore Prisoner, being not found eligible for any kind of parole and a copy of the same was communicated to Sh. Satbir, father of the petitioner/convict with reference to his application made for grant of parole to the petitioner/convict in compliance of this Hon'ble High Court order dated 24.10.2019 passed in CRWP No.30806 of 2019 titled as Nirmal Singh versus State of Haryana and Others in which Hon'ble Court deemed fit to say that "the Jail Superintendents can consider communicating brief reason/s for rejection to the convict and his/her acknowledgement taken so that this Court can insist at the first hearing production of that reason failing which the convict may have to face the consequences in case he has not brought out true and full facts" (Copy of the speaking order forwarded to the father of the petitioner/convict is annexed as Annexure R-2).

7. That the facts of the marriage of the petitioner/convict has been got verified through Station House Officer, Police Station Sadar Bhiwani and as per verification report submitted by him stated that "marriage of the victim has been got verified by SI Anil Kumar, Incharge, Chowki Gujrani by reaching the house of the victim and the statement of the victim's mother Rajna wife of Kaluram resident



CRWP-12323-2024 (O&M)

-6-

of Chang has been recorded. In her statement, she stated that her daughter, the victim who is deaf and dumb and is incapable of reading, writing, hearing and understanding anything and whenever Anand son of Satbir resident of Katesra District Rohtak, comes out of jail and keeps my daughter well & good in Bhiwani, then I will perform the marriage of my daughter with Anand.” (Copy of the verification report alongwith statement of the victim’s mother in vernacular is annexed as Annexure R-3 & true translation in English is annexed as Annexure R-3/T).

5. A perusal of the above shows that the petitioner is not entitled to parole as per Section 2(1)(g)(i) (6) of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022.

6. Further a perusal of para 7 referred to above shows that the mother of the victim has specifically given a statement that since the victim is deaf and dumb and is incapable of reading, writing, hearing and understanding anything, therefore, whenever petitioner would come out of the jail and she would be satisfied that he would keep her daughter happy and in good condition after marriage, then she would perform marriage of her daughter with the petitioner.

7. In view of the above, no ground for granting parole to the petitioner is made out and the present petition is dismissed.

8. Pending applications, if any, also stand disposed off.

February 10, 2025

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(SUDEEPTI SHARMA)

JUDGE

Whether speaking/non-speaking : Speaking

Whether reportable : Yes/No