

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWP No. 15090 of 2026****Reserved on: 21.09.2026****Date of Decision: 30.09.2026**

Harka Bahadur**...Petitioner****Versus****State of Himachal Pradesh and others****...Respondent**

Coram***Hon'ble Mr Justice Rakesh Kainthla, Judge.******Whether approved for reporting?¹ No*****For the Petitioner : Mr Suneet Verma, Advocate; vice
Mr Raj K. Verma, Advocate. .****For the Respondents/State : Mr Jitender Sharma, Additional
Advocate General. .**

Rakesh Kainthla, Judge

The petitioner has filed the present petition seeking a direction to the respondents to grant parole to him for a reasonable period to enable him to meet his family members and attend urgent personal obligations.

2. It has been asserted that the learned Additional Sessions Judge, Kinnaur at Rampur Bushehar, H.P. had convicted the petitioner and sentenced him to undergo rigorous imprisonment

for life, pay a fine of ₹2,00,000/- and in default of payment of fine to undergo one year simple imprisonment for the commission of an offence punishable under Section 302 of IPC; to undergo simple imprisonment for two years and pay a fine of ₹5,000/- for the commission of an offence punishable under Section 201 of IPC. The petitioner has undergone imprisonment of 8 years, 2 months and 10 days till 15.07.2026. The petitioner maintained good behaviour during the period of incarceration. He is aware of the directive in the judgment that he shall be without parole for the initial 10 years. However, he is entitled to parole considering the reformatory theory of punishment. Hence, the petition.

3. The petition is opposed by filing the instructions dated 19.09.2026 asserting that the petitioner had undergone a total sentence of 8 years, 3 months and 27 days as on 07.09.2026, excluding remission. No application seeking parole was received by the respondents. There was a specific direction that the petitioner shall remain without parole for an initial period of 10 years. Hence, it was prayed that the present petition be dismissed.

4. I have heard Mr Suneet Verma, Advocate vice Mr. Raj K. Verma, learned counsel for the petitioner and Mr Jitender Sharma, learned Additional Advocate General for the respondent/State.

5. Mr Suneet Verma, learned vice counsel representing the petitioner, submitted that the petitioner is entitled to parole despite the specific direction issued by the learned Additional Sessions Judge, as no such direction could have been issued by him. Therefore, he prayed that the present petition be allowed and the petitioner be released on parole.

6. Mr Jitender Sharma, learned Additional Advocate General, for the respondent/State submitted that the competent Court had passed a specific direction that the petitioner shall not be entitled to parole for the initial 10 years of his imprisonment. This order has not been set aside in appropriate proceedings, and it is impermissible to ignore these directions. Therefore, he prayed that the present petition be dismissed.

7. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

8. A copy of the order of sentence imposed by learned Additional Sessions Judge, Kinnaur at Rampur, Bushehar shows

that the petitioner was sentenced to undergo rigorous imprisonment for life till his natural death, with specific direction that he shall be without parole for the initial 10 years. Therefore, the competent Court has passed an order that the petitioner is not entitled to parole for a period of 10 years. This Court is not concerned with the validity of the direction as was urged during the hearing because this Court is not hearing any appeal from the judgment of the learned Additional Sessions Judge, Kinnaur at Rampur Bushehar, and it would be open to the petitioner to urge before the learned Appellate Court that such direction could not have been issued by the learned Additional Sessions Judge, Kinnaur. However, such a contention cannot be raised in the collateral proceeding seeking the parole. These directions are binding until set aside, and there is force in the submission made on behalf of the respondents that the petitioner is not entitled to parole because of the specific direction issued by the Court.

9. Therefore, the present petition fails and is dismissed. However, this order will not prevent the petitioner from assailing the correctness of the direction passed by learned Additional Sessions Judge in the appeal.

10. The present petition stands disposed of, and so also the pending miscellaneous applications, if any.

(Rakesh Kainthla)
Judge

30th September, 2026
(Nikita)