

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Writ Petition No. 633 of 2013

Date of Decision : April 23, 2015

Rajbir @ Bittu

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN

Present : Mr. Krishan Singh, Advocate.

Mr. A.K. Yadav, Additional Advocate General, Haryana.

T.P.S. MANN, J. (Oral)

Prayer made in the petition is for release of the petitioner on parole for six weeks for agricultural purposes.

According to the petitioner, he owns agriculture land but there is none in his family who can cultivate the same. It is also the case of the petitioner that earlier he availed nine weeks parole and surrendered in time.

Upon notice, written statement was filed by the Superintendent, District Jail, Sirsa on behalf of the respondents, wherein it was mentioned that the petitioner was convicted by the Additional Sessions Judge (Fast Track Court), Sirsa on 19.8.2009 in case FIR No. 900 dated 23.10.2006 under Sections 393, 398 IPC and 25 of the Arms Act registered at Police Station City, Sirsa and sentenced to undergo imprisonment for seven years. While undergoing the said sentence, he was released on 9.5.2011 on parole for six weeks with direction to surrender on 21.6.2011. However, three days prior to his date of surrender, he was lodged in District Jail, Sirsa on 18.6.2011 after being arrested by the police in FIR No. 457 dated 17.6.2011 under Sections 21/27-A of the NDPS Act registered at Police Station City, Sirsa. In the said FIR, he was convicted on 16.10.2012 and sentenced to undergo imprisonment for ten years. It has also been stated that as the petitioner stands convicted and sentenced under Sections 393, 398 IPC in FIR No. 900 dated

23.10.2006 and under Sections 21/27-A of the NDPS Act in FIR No.457 dated 17.6.2011 the petitioner is not entitled to parole as his case comes under the definition of 'hard core criminal' as per the provisions of the Haryana Good Conduct Prisoners (Temporary Release), Amended Act, 2012.

Learned State counsel has also drawn the attention of the Court to the jail custody certificate brought on the record by the petitioner as Annexure P-3 wherein it was mentioned that the petitioner was earlier convicted in two other criminal cases i.e. FIR No.499 dated 15.7.2008 of Police Station City, Sirsa and FIR No.608 dated 5.8.2007 of Police Station Sadar, Hisar in which he was convicted and sentenced to imprisonment already undergone by him.

After hearing learned counsel for the petitioner and learned State counsel and going through the petition as well as the reply filed thereto, this Court is of the considered view that the petitioner does not deserve the concession of release on parole for agriculture purposes. He stands convicted and sentenced for offences under Sections 393, 398 IPC and Section 25 of the Arms Act and, thus, to be treated as a 'hardcore criminal'. Further, though according to the petitioner, he was earlier released on parole and had surrendered in time yet from the reply it is made out that after the petitioner was released on parole on 9.5.2011 for a period of six weeks with a direction to surrender on 21.6.2011, he misused the concession as on 17.6.2011 he was booked for committing the offences punishable under Sections 21/27-A of the NDPS Act. Under these circumstances, the petitioner cannot be granted the release sought by him in the present petition.

Resultantly, the petition is without any merit and, therefore, dismissed

April 23, 2015

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(T.P.S. MANN)
JUDGE