

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP-1862-2014 (O&M)

Date of decision:- 30.01.2015.

Daljit Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE DR. SHEKHER DHAWAN**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rahul Vats, Advocate for
Mr. Vikas Sharma, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. A.G. Haryana.

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

Reply filed on behalf of the respondent-State is taken on record and a copy thereof supplied to learned counsel for the petitioner.

While recommending the case of the petitioner for his release on parole, the District Magistrate, Kaithal vide order dated 18.7.2014, Annexure P-1 stated that the petitioner did not fall under the category of 'hardcore prisoner' in terms of the provisions of Section 2 (aa) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act 2013. In this regard, reliance was placed on the report of the Jail Superintendent, who stated therein that the petitioner was not a 'hardcore prisoner'. However, in the reply filed on behalf of the respondent-State, the District Magistrate has stated that as the petitioner stood convicted under Section 18 of the NDPS Act, having been found in possession of 3.5 Kgs. of opium, he fell under

the category of 'hardcore prisoner'. It is also mentioned that the factum of petitioner being a hardcore prisoner has been duly intimated to the Commissioner. Accordingly, the petitioner is not entitled to be released on parole and he stands informed about the rejection of his case for release on parole. It is further stated that once the petitioner is considered a hardcore prisoner, he is not entitled for temporary release or furlough unless and until he completes five years of his sentence as a convict, excluding the under trial period and also that he is not awarded any minor or major penalty by the Superintendent of Jail as judicially appraised by the concerned District & Sessions Judge.

Once the petitioner is held to be a hardcore prisoner and he has not completed an actual period of 5 years of sentence as a convict in jail after excluding the under trial period, he is not entitled to be released on parole.

The petition is without any merit and, accordingly, dismissed.

However, once the petitioner becomes entitled to release on parole on completion of the requisite period in jail as a convict and he is not awarded any minor or major punishment, he would be at liberty to move the authorities for the necessary relief.

(T.P.S. MANN)
JUDGE

(SHEKHER DHAWAN)
JUDGE

January 30, 2015
PA