

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

241

Criminal Writ Petition No.1395 of 2015

Date of decision: October 20, 2015

Kanu @ Raj Kanwal

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No

2. To be referred to the Reporters or not? Yes/No

3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Arjun Sheoran, Advocate for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

DAYA CHAUDHARY, J.

The present petition has been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release the petitioner on parole and for quashing of order dated 05.09.2015 passed by respondent No.3 (Annexure P-3).

Learned counsel for the petitioner submits that the claim of the petitioner has been rejected on the basis of wrong averment as it has been mentioned in the impugned order of rejection **Annexure P-3** that the case of the petitioner falls under the category of hard core criminal and his case for parole cannot be considered as he has not completed five years sentence.

Notice of motion was issued on 24.09.2015. Vide order dated 07.10.2015, Superintendent, District Jail, Jind was directed to be present in the Court alongwith his affidavit stating therein as to why the reply has not been filed on the date fixed.

In response thereto, Dr. Harish Kumar, Superintendent, District Jail, Jind is present in the Court and has filed reply to the petition as well as affidavit in the Court today and the same are taken on record. Copies thereof have been supplied to learned counsel for the petitioner.

In Para No.11 of the reply, it has been mentioned that the petitioner is not eligible for concession of parole as he has not completed one year of imprisonment after conviction.

Mr. Harish Kumar, Superintendent, District Jail, Jind has also tendered his unconditional apology with regard to the wrong facts mentioned in the impugned order **Annexure P-3**. He submits that same was drafted by some official and he even without seeing the contents of the order, has signed the same. The unconditional apology of Dr. Harish Kumar, Superintendent, District Jail, Jind is accepted but he is directed to remain careful in future.

Accordingly, order dated 05.09.2015 **Annexure P-3** is hereby quashed and the present petition is disposed of with a direction to Superintendent, District Jail, Jind to consider the matter afresh and pass order in accordance with law within a period of two weeks from the date of receipt of copy of this order.

(DAYA CHAUDHARY)
JUDGE

October 20, 2015
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