

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

CRWP No.285 of 2015
Date of Decision: 02.07.2015

Satish Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. S.P. Chahar, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

SNEH PRASHAR, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure (Cr.P.C.) for issuance of a writ in a nature of mandamus directing the respondents to allow parole to the petitioner for a period of six week for agricultural purpose and for repairing of his house.

2. Learned counsel for the petitioner submitted that the respondent had refused to entertain his application for parole. In the reply filed by them they have mentioned that the petitioner has not completed one year imprisonment after conviction and had also not earned his first annual good conduct remission. Their contention is apparently incorrect in view of the custody period of the petitioner

mentioned by them in para No.5 of their reply.

Indeed stating the custody period of the petitioner in para No.5 of the reply the respondents had mentioned that he had remained in custody for 03 years, 07 months and 12 days as under trial. After he was convicted on 08.07.2003, he was taken in custody and on suspension of his sentence he was released on 23.04.2004 which means he had undergone sentence for nine months and sixteen days before his release. Subsequently he again surrendered in the Court on 14.07.2014 and since then was in custody. Till 28.04.2015 he had completed custody of 09 months, 15 days. In that manner, actual sentence of 05 years, 02 months and 13 days has been undergone by the petitioner. As submitted by counsel for the petitioner, ever since conviction the petitioner has not avail the concession of parole till date.

The aforesaid facts reveal that the petitioner has already undergone more than one year imprisonment after his conviction. In view of the matter the instant petition is disposed of with a direction that as and when the petitioner files an application for parole the respondents will consider the same sympathetically.

July 02, 2015
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(SNEH PRASHAR)
JUDGE