

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

Crl. Writ Petition 327 of 2015
Date of Decision : April 27, 2015

Mandeep Singh

.....Petitioner

VERSUS

The State of Haryana and others

.....Respondents

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

Present : Ms. Sarla Chaudhary, Advocate

Mr. Praveen Bhadu, Asstt. A.G. Haryana

T.P.S. MANN, J.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India for issuance of directions to the respondents to consider the request submitted on his behalf by his mother Sukh Devi for his release on parole for agricultural purposes.

The petitioner stands convicted under Sections 302/323/506 IPC in case FIR No. 12 dated 1.2.2012 registered at Police Station Dhand, District Kaithal vide judgment and order dated 23.12.2013 passed by the Additional Sessions Judge, Kaithal and sentenced to undergo imprisonment for life.

According to the petitioner, he is behind the bars since

the year 2012. His father has already expired. In order to take care of his agricultural land, his mother Sukh Devi submitted application (Annexure P-1) to the Superintendent, District Jail, Rohtak for releasing him on parole for agricultural purposes. In order to establish that the petitioner has agricultural land, the petitioner has placed on record copy of *Khasra Girdawari* (Annexure P-3) and *Jamabandi* (Annexure P-4). He has also placed on record the resolution passed by the Gram Panchayat of village Chuhan Majra to which village the petitioner belongs, wherein it has been stated that in the event of the petitioner being released on parole to take care of his agricultural land, there would be no apprehension of breach of peace in the village. According to the petitioner, the respondents have neither considered nor rejected the request made on his behalf by his mother Sukh Devi despite the fact that such an application was submitted way back on 5.2.2015. Accordingly, the petitioner has prayed for issuance of necessary directions.

Upon notice, reply has been filed by the Superintendent, District Jail, Rohtak on behalf of the respondents wherein it is submitted that no request for agricultural parole has been made by the petitioner's mother. It has also been mentioned that the conduct of the petitioner inside the jail is not satisfactory as during his confinement in the District Jail, Kaithal, he had quarrelled with one prisoner, namely, Darshan son of Ram Kala on 17.4.2014 and he

was awarded punishment of verbal warning by the jail Superintendent. He again quarrelled with prisoner Kalia @ Raju on 12.8.2014 and gave him beatings. Thus, he committed major jail offence for which he was awarded punishment of separate confinement for one month. The punishment awarded was judicially appraised and approved for 15 days instead of one month. The petitioner again quarrelled on 15.8.2014 and 16.8.2014 with other prisoners in District Jail, Kaithal and was lodged in security ward till further orders due to security of jail. It has also been stated that once the convict has been awarded major jail punishment as defined in para 630 of the Punjab Jail Manual, his parole case can be initiated after one year from the date of punishment. As the petitioner committed jail offence on 12.8.2014 for which he was awarded a major jail punishment on 13.8.2014, he is not entitled for parole for one year as per provisions of Section 9 (ii) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007. It has also been stated that as per the provisions of Section 4 (1) of the 2007 Rules, the convict is required to earn his first annual good conduct remission after conviction before he would become eligible for parole which he had not earned so far.

The aforementioned punishments were awarded to the petitioner much before the filing of the present petition wherein he has sought issuance of directions to the respondents to consider the

application filed on his behalf by his mother Sukh Devi for his release on parole. Despite the same, no mention was made about those punishments in the petition. It can safely be concluded that the petitioner has not come to the Court with clean hands as he concealed the factum of various jail punishments awarded to him. Even the stand taken by him that his mother had submitted application on his behalf for his release on parole for agricultural purposes is false as the Jail Superintendent in the reply has specifically stated that no such request had been made.

In view of the above, the petitioner cannot be granted the relief sought by him in the present petition.

The petition is, accordingly, dismissed.

**(T.P.S. MANN)
JUDGE**

April 27, 2015
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**(MAHAVIR S. CHAUHAN)
JUDGE**