

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

CRWP-440-2015

Date of decision: 20.4.2015

Pardeep

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Krishan Singh, Advocate for the petitioner

SNEH PRASHAR, J.

The present criminal writ petition under Articles 226/227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure read with Section 3(1)(b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 was filed for grant of four weeks emergency parole to the petitioner to get his daughter and son admitted in the school.

The petitioner has been convicted and sentenced to undergo life imprisonment by the learned Additional Sessions Judge, Panipat vide judgment dated 11.2.2006 in case FIR No. 413 dated 30.12.2004, registered under Sections 302, 307, 353, 186, 34 of the Indian Penal Code and Section 25 of the Arms Act.

Submissions of the learned counsel for the petitioner have been heard.

Learned counsel for the petitioner submits that earlier the petitioner was released on furlough leave and he had surrendered before the jail authority in time and has never misused the concession of parole allowed to him. The Gram Panchayat had also recommended the release of the petitioner on parole. There is no complaint either from the villagers or from the jail authority against the conduct of the petitioner, which has always remained good.

The application given by the petitioner for parole was dismissed by the Superintendent, District Jail, Kurukshetra referring para no.9(ii) of the Haryana Goods Conduct Prisoners (Temporary Release) Act, 2007 and the incident which has been quoted is as under:-

“As per record the said convict was released on 21.11.2014 for 14 days furlough from Central Jail, Hisar-I, with the direction to surrender himself at the Jail on 06.12.2014 F.N. But the said convict entered at the first gate of the Central Jail, Hisar-I in a Car No.HR-06Z/0199 (Model I20) at about 05.35 P.M. with two other persons. When a Warder, who was on duty on that gate asked the said convict to stop his car, he accelerated and tried to pass over his car on that Warder. Jail Superintendent, who was coming to his residence from his office stopped the car of the said convict. As the said convict didn't surrender himself timely at the Jail and also tried to pass over his car on an official (on duty) of the department and a case FIR No.836 dated 06.12.2014 under Sections 279, 336, 353, 186, 332, 34 IPC, P.S. Civil

Lines Hisar was registered against him.”

Admittedly, the petitioner availed fourteen days furlough from 21.11.2014 to 6.12.2014 i.e. just four and half months back. Therefore, in the considered opinion of this Court, at this stage, the petitioner is not entitled for release on parole. As such, the present petition being devoid of any merit is dismissed.

20.4.2015

gsv

(SNEH PRASHAR)
JUDGE