

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 10.08.2015

CRWP No.524 of 2015

Partap Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present : Mr. A.S.Trikha, Advocate, for the petitioner.

Mr. Rajesh Gaur, Addl. AG, Haryana.

Mr. Vijay Jindal, Advocate, as Amicus Curiae.

HEMANT GUPTA, J. (ORAL)

The instant criminal writ petition is for granting parole to the petitioner to facilitate the admission of his children.

In reply, the stand of the respondent-State is that an FIR No.388 dated 04.06.2013 under Section 42 of the Prisons Act, 1894 stands registered against the petitioner and the trial is pending in the Court of Shri Vijayant Sehgal, Addl. Chief Judicial Magistrate, Bhiwani. Therefore, in terms of Haryana Good Conduct Prisoners (Temporary) Release Act, 2013 as amended in the year 2014, the petitioner is not entitled to parole inasmuch as he is deemed to be a hardcore prisoner having detected of use of cell phone inside the jail premises.

Learned counsel for the petitioner contends that in the said FIR, the petitioner is on bail and that such case was registered when the petitioner was

under-trial, therefore, the provisions of Haryana Good Conduct Prisoners (Temporary) Release Act, are not applicable to him.

Keeping in view the respective contentions raised by the learned counsel for the parties, we dispose of the present criminal writ petition with a direction to the competent authority to decide the claim of the petitioner for parole expeditiously in accordance with law after examining the fact that the petitioner was under-trial on the date of commission of offence under Section 42 of the Prisons Act and also that he is on bail in the said case.

(HEMANT GUPTA)
JUDGE

10.08.2015
Vimal

(RAJ RAHUL GARG)
JUDGE