

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

Crl. Writ Petition 800 of 2015
Date of Decision : August 14, 2015

Neeraj

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

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

Present : Mr. A.S.Trikha, Advocate

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

T.P.S. MANN, J. (Oral)

Prayer made in the petition filed under Article 226 of the Constitution of India is for issuance of writ, order or directions to the Superintendent, District Jail, Bhiwani to initiate the parole case of the petitioner so as to enable him to repair his own house.

The petitioner stands convicted in FIR No. 197 dated 17.10.2012 under Sections 398, 401 IPC and Section 25 of the Arms Act, Police Station Badhra and sentenced to undergo rigorous imprisonment for seven years under Section 398 IPC besides imprisonment for three years under Section 401 IPC. Both the sentences were ordered to run concurrently.

Reply has been filed by way of affidavit of the

Superintendent, District Jail, Bhiwani on behalf of the respondents. In para 3 of the preliminary submissions, it has been mentioned that on 6.6.2014, the petitioner quarrelled with another prisoner while being confined in jail and was awarded major jail punishment on 9.6.2014 i.e. forfeiture of ten days remission earned by him. The said jail punishment was judicially appraised by the District and Sessions Judge, Bhiwani vide order dated 11.7.2014. It has further been mentioned in paras 7 and 8 of the preliminary submissions that since the petitioner has been awarded major jail punishment, his case for grant of four weeks' parole could only be initiated after 1.7.2015 i.e. after completion of one year from the award of major jail punishment in accordance with para 9 (ii) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2007. The petitioner has also become eligible for grant of first annual good conduct remission on 1.7.2015, after which his case could be initiated for temporary release on four weeks' parole for the purpose of house repairs as per para 4 (1) of the Haryana Good Conduct Prisoner (Temporary Release) Rules, 2007. However, the petitioner has not submitted any application for temporary release on parole for a period of four weeks for the purpose of house repair, therefore, his parole case could not be initiated/considered. In case, he submits an application for such

a purpose, the same shall be considered as per the rules on the subject.

Learned counsel for the petitioner submits that till date the petitioner has not submitted necessary application for his temporary release on parole for the purpose of house repair. However, the petitioner intends to file necessary application in this regard to the Jail Superintendent.

In view of the above, the petition is disposed of with the observations that in case the petitioner submits an application for temporary release on parole for the purpose of house repair, the same be considered as per the rules on the subject.

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

August 14, 2015

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