

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16749-2016

Date of decision: December 07, 2016.

Sandeep

... **Petitioner**

v.

State of Haryana and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

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

Shri Surender Singh, Assistant Advocate General, Haryana.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties. Grievance of the petitioner is that respondent No.3 is a hardcore criminal and therefore, should not be released on parole and his representation to that effect ought to be considered in the correct perspective by the authorities. This court had issued notice of motion. Now the State has come up with the reply and in para 11 and 12 of the reply, the grievance of the petitioner has been taken care of. I quote para 11 and 12 as under:-

“11. That, it is pertinent to mention here that the convict Jagbir @ Jangi s/o Munsri Ram, resident of village Prem Nagar, P.S. Sadar Bhiwani, District Bhiwani has been convicted on 20.09.1997 by the orders of the Ld. Court of District & Sessions Judge, Bhiwani and sentenced to undergo rigorous imprisonment for life in case FIR No.363 dated 08.11.1995 U/s

302/306/34 IPC, P.S. Sadar Bhiwani and he has also been convicted on 30.05.2013 by the orders of the Court of Sh. A.S. Narang, Ld. Addl. Sessions Judge, Bhiwani in case FIR No.132 dated 28.03.2010 U/s 148/149/302 IPC, P.S. Sadar Bhiwani and has been sentenced to undergo rigorous imprisonment for life and also to pay a fine of Rs.10,000/- under section 302 read with section 34 IPC. In default of payment of fine, the convict would undergo rigorous imprisonment for a period of one year. Hence, since, the convict has been convicted in two different FIRs i.e. In case FIR No.363 dated 08.11.1995 U/s 302/306/34 IPC, P.S. Sadar Bhiwani on 20.09.1997 and in case FIR No.132 dated 28.03.2010 U/s 148/149/302 IPC, P.S. Sadar Bhiwani on 30.05.2013, hence the said convict falls under the category of “Hardcore Prisoner” as per rule of Section 2(aa)(8) of the Haryana Good Conduct (Temporary Release) Amendment Act, 2013. Thus, the petitioner is not entitled to any parole as on date as per the provisions of Para 2(2) of the Haryana Good Conduct (Temporary Release) Amendment Act, 2015.

12. That, since the above said convict is covered under the category of Hardcore prisoner since 30.05.2013, hence, the four weeks parole could not be granted to the convict as per Section 2(aa)(8) of the Haryana Good Conduct (Temporary Release) Amendment Act, 2013 as the convict is a hardcore prisoner for

having committed the offence “serial killing” and also absconding from parole for 7 years & 5 months on three occasions.”

In view of the above, the grievance raised by the petitioner stands clearly redressed. Hence the petition is disposed of in view of the above terms acting on the statement made in para 11 and 12 of the reply by the State.

[A.B. Chaudhari]
Judge

December 07, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No