IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 1121 of 2015 (O&M)
Date of decision: 05.02.2016.

Jagdish …… Petitioner.

Versus

State of Haryana and others …..Respondents.

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE GURMIT RAM

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

Mr. Raj Kumar Makkad, DAG, Haryana, for the respondents.

S.S. SARON, J.

The present petition under Article 226 of the Constitution of India has been filed by the petitioner to initiate his application dated 06.07.2015 (Annexure P-1), which has been submitted by registered post, for grant of parole for repair of his house.

The petitioner is undergoing life imprisonment after his conviction and sentence by the learned Additional Sessions Judge, Sonepat, vide judgment and order dated 13.02.2013 and 14.02.2013, respectively, in case FIR No. 289 dated 13.08.2010, registered at Police Station Ganaur, District Sonepat for the offences under sections 304-B, 302, 497, 498-A read with section 34 of the Indian Penal Code ('IPC' – for short). The petitioner was found guilty of committing the murder of his wife-Anju and has been convicted for the offence under section 302 IPC and sentenced to undergo life imprisonment; besides, pay a fine of Rs.5,000/- (Rs. Five

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thousand only) and in default of payment thereof, undergo simple imprisonment for two years. He has also been convicted and sentenced to undergo imprisonment for two years; besides, pay a fine of Rs.1,000/- (Rs. One thousand only) and in default of payment thereof, undergo simple imprisonment for a period of six months for the offence under Section 498-A IPC.

Reply has been filed by Mr. Daya Nand, Superintendent, District Jail, Rohtak in which it is stated that the petitioner was sent to PGIMS, Rohtak for treatment from District Jail, Sonepat on 23.04.2013. He escaped from the police custody on 24/25.04.2013 from PGIMS, Rohtak during treatment. He was arrested by the police and re-admitted in District Jail, Rohtak on 15.04.2014, i.e. after eleven months and twenty-one days. A case FIR No. 146 dated 25.04.2013 has been registered against him for the offence under sections 223, 224 IPC at Police Station Urban Estate, Rohtak. He is on bail in the said case. Therefore, it is submitted that he is not entitled for parole in view of the provisions of Rule 10 (ii) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 ('Rules' - for short) which says that if the convict overstays thirty days or more of his parole/furlough, his case shall not be entertained by the Superintendent of jail earlier than two years from the date of his surrender/arrest. The period of two years has not elapsed after he was arrested.

We have given our thoughtful consideration to the matter.

The petitioner was re-arrested on 15.04.2014 after he had absconded and in terms of the reply that has been filed his case can be

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entertained only after two years of his surrender/arrest as envisaged under Rule 10 (ii) of the Rules. Therefore, at this stage, the petitioner is not entitled to get his application (Annexure P-1) entertained for his release on parole. However, the authority shall consider his application on expiry of two years after his arrest.

The petition is accordingly disposed of.

(S.S. SARON)
JUDGE

05.02.2016 **(GURMIT RAM)**
Ramesh **JUDGE**

Note: Whether to be referred to the Reporter: No.

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