

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Writ Petition No.1423 of 2015

Date of Decision: 27.05.2016

Harjinder Singh alias Rajinder

...Petitioner(s)

Versus

The State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Ms. Manpreet Kaur Ghuman, Advocate for
Mr. HPS Aulakh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Articles 226/227 of the Constitution of India is for setting aside order dated 21.9.2015 (Annexure P-8) passed by Superintendent, Central Jail-1, Hisar, whereby the request of the petitioners to grant him parole for house repair, was declined.

Learned counsel for the petitioner has argued that the order dated 21.9.2015 is discriminatory and violative of Articles 14, 16, 19 and 21 of the Constitution of India, as the other accused convicted in other case, as referred in Annexure P-2, have been extended the benefit of parole.

Learned State counsel has referred to order dated 7.1.2011 passed by this Court in CRWP No.43 of 2011 *Harjinder @ Rajinder v. State of Haryana & others* (Annexure R-2), attached with the reply, whereby the prayer made by the petitioner for grant of parole was not accepted, as this Court while deciding appeal i.e. CRA-462-DB-2009 filed by the petitioner-accused, though partly allowed the same to the extent that death sentence awarded to the petitioner shall be converted into imprisonment for life for a period of 21 years, however, it was specifically observed that the petitioner shall not be entitled to get any benefit under Section 401 CrPC, Prisons Act, Jail Manual or any other Statute and Rules made for the purpose of grant of commutation/remission of sentence/parole and furlough etc. The relevant part of the order passed in CRA-462-DB-2009, which has been reproduced in order dated 7.1.2011 passed in CRWP No.43 of 2011 (Annexure R-2) reads as under:-

“In view of facts mentioned above, Murder Reference No.2 of 2009 is declined, death sentence is not confirmed, however, conviction awarded to Harjinder Singh @ Rajinder Singh, Azad Singh @ Yadwinder and Bhupinder @ Bhinda is upheld. Consequently, Criminal Appeal No.462-DB of 2009 is partly allowed to that extent. All the three accused are sentenced to undergo imprisonment for life. It is made clear that all the three accused shall serve imprisonment for a period of 21 years each and till the completion of that period, they shall not be entitled to get any benefit under Section 401 of Criminal Procedure Code, Prisons Act, Jail Manual or any other Statute and the Rules made for the purpose of grant of commutation/remission of sentence/parole and furlough etc. They are further directed to deposit a fine of Rs. One lac each, failing which, they shall undergo further imprisonment for a

period of two years. By invoking the provisions of Section 357 Cr.P.C, the Court directs that on realization of amount of fine, the same be paid to the legal heirs of all the three deceased equally by way of compensation. All the three named above, are acquitted so far as conviction and sentence awarded to them under Section 149 IPC is concerned. Conviction and sentence awarded to all the three accused, named above, under the Arms Act is maintained and confirmed.”

I have heard learned counsel for the parties.

Considering the fact that the prayer made by the petitioner has been declined in the light of judgment passed by this Court in CRA-462-DB-2009 which has not been opposed, reversed or modified either by this Court or by Hon’ble the Apex Court, this Court is bound to accept the judgment passed the Division Bench in its entirety.

Accordingly, in view of the observations made above, the present petition is dismissed.

May 27, 2016
AK

(HARI PAL VERMA)
JUDGE