

Amarjeet @ Dana vs. State of Haryana and others

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

CRWP No. 1816 of 2015 (O&M)

Date of decision: 18.01.2016.

Amarjeet @ Dana

..... Petitioner.

Versus

State of Haryana and others

.....Respondents.

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

Present: Mr. Ashok Kaushik, Advocate, for
Mr. Krishan Singh, Advocate, for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana, for the respondents.

S.S. SARON, J.

Learned counsel for the State has filed written reply of Shri J.S. Sethi, Superintendent, District Jail, Sirsa, on behalf of respondents No. 1 to 3. The same is taken on record.

Heard learned counsel for the parties.

The petitioner by way of present petition under Article 227 of the Constitution of India read with section 482 of the Code of Criminal Procedure and section 3 (1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 seeks six weeks' parole for agricultural purposes and in the alternate for directing the respondents to decide the case of the petitioner.

The petitioner has been convicted and sentenced to life imprisonment in case FIR No. 33 dated 14.03.2009, registered at police

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station GRP Rewari for the offences under sections 224, 225, 332, 353, 302 and 120-B of the Indian Penal Code. He has been sentenced to imprisonment for life. At present, he is confined in District Jail, Sirsa. According to the petitioner, he applied for parole in the month of October, 2015. His case was sent for verification to District Magistrate, Sirsa-respondent No. 3. However, no decision has been taken on the application. A copy of the application has been submitted as Annexure P1.

According to the reply that has been filed, it is submitted that the petitioner has not submitted any application for granting him six weeks' parole to the Superintendent, District Jail, Sirsa-respondent No. 2. The petitioner has directly approached this Court for grant of six weeks' parole. It is also submitted that a mobile phone was recovered from the petitioner while he was in jail on 27.11.2013. A case i.e. FIR No. 990 dated 27.11.2013 was registered at police station City Sirsa for the offence under section 42 of the Prisons Act. However, the petitioner has been acquitted in the said case by the learned Judicial Magistrate 1st Class, Sirsa on 22.12.2015. Therefore, now he is entitled for parole, but due to model code of conduct being in force in the State of Haryana due to Haryana State 5th general election of Panchayati Raj, his case for parole cannot be initiated for the present.

We have given our thoughtful consideration to the matter.

According to the petitioner, he applied for parole in pursuance of application Annexure P1. The application Annexure P1, in fact, has been submitted by the father of the petitioner, namely, Raghbir Singh. It appears

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that his case could not be considered as a mobile phone was detected from him while in jail on 27.11.2013 for which FIR No. 990 dated 27.11.2013 was registered at police station City Sirsa for the offence under section 42 of the Prisons Act. The petitioner has since been acquitted in the said case by the learned Judicial Magistrate 1st Class, Sirsa on 22.12.2015. Therefore, according to the respondents, the petitioner is now entitled for parole. However, his case cannot be initiated for the present due to model code of conduct being in force in the State of Haryana due to Haryana State 5th general election of Panchayati Raj.

In the facts and circumstances, the criminal writ petition is disposed of with the direction that the petitioner shall apply for parole to the Superintendent, District Jail, Sirsa-respondent No. 2, who shall initiate the case of the petitioner for his parole in accordance with law.

(S.S. SARON)
JUDGE

18.01.2016
Ramesh

(GURMIT RAM)
JUDGE

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