

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

CRWP No. 185 of 2016 (O&M)

Date of decision: 21.04.2016.

Jasbir Singh

..... Petitioner.

Versus

State of Haryana and others

.....Respondents.

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

Present: Mr. Vishal Nehra, Advocate, for the petitioner.

Mr. Apoorv Garg, DAG, Haryana, for the respondents.

S.S. SARON, J.

The petition has been filed by the petitioner for directing the respondents to release him on parole for six weeks for making arrangements for his agricultural land.

The petitioner is undergoing life imprisonment since 03.04.2013 in case FIR No. 154 dated 26.04.2009 registered at Police Station Sadar Sonapat for the offences under Sections 148, 149, 302 and 120-B of the Indian Penal Code, besides, Section 25 of the Arms Act. The petitioner was released on three weeks' furlough on 28.10.2014. However, he did not surrender in jail on the expiry of three weeks' period and, therefore, according to the respondents, he had infringed the provision of Section 8 (1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 ('Act' – for short). The said provision provides for liability of a prisoner to surrender on the expiry of release period. It is *inter alia* envisaged that on the expiry of the period for which a prisoner is released

under the Act, he shall surrender himself to the Superintendent of the Jail from which he was released. The Station House Officer, Sadar Sonapat was informed to arrest the petitioner and lodge him in Jail for serving his remaining part of the sentence. Information in this regard was also sent by the Superintendent, District Jail, Sonapat to the concerned authorities vide communication dated 20.11.2014. The petitioner failed to surrender even after ten days of his overstay. The Station House Officer, Sadar Sonapat was then requested to register a case (FIR) against him under Section 8 (2) of the Act vide letter dated 29.11.2014 issued by the Superintendent, District Jail, Sonapat. FIR No. 457 dated 29.11.2014 was registered against the petitioner at Police Station Sadar Sonapat. The petitioner surrendered himself at District Jail, Sonapat on 13.12.2014 after overstaying for a period of twenty-four days. The petitioner was convicted by the learned Judicial Magistrate 1st Class, Sonapat on 13.07.2015 and sentenced to the period already undergone by him.

Learned counsel for the petitioner has submitted a copy of the judgment and order dated 21.03.2016 passed by the learned Additional Sessions Judge, Sonapat by which the petitioner has been acquitted of the charge of overstaying the period of parole.

The present petition, as already noticed, is for temporary release of the petitioner. According to the respondents, in fact, no application has been filed by the petitioner before the Superintendent, District Jail, Sonapat for grant of agricultural parole, nor any request has been made in this regard. It appears that the petitioner was not making any request for the reason that the same was likely to be declined as he had

overstayed his parole. Admittedly, now he has been acquitted of the said charge by the learned Additional Sessions Judge, Sonapat vide his judgment and order dated 21.03.2016, copy of which has been submitted.

In the circumstances, the writ petition is disposed of with the direction that in case the petitioner makes the request for his temporary release on parole for agricultural purposes or other purposes as provided for by the Act, the same shall be considered by the authorities as expeditiously as possible and preferably within the time frame as framed by the respondents. In view of his acquittal of the charge of overstaying the period of parole, the same shall not be taken into consideration while considering the case of the petitioner for temporary release.

(S.S. SARON)
JUDGE

21.04.2016
Ramesh

(GURMIT RAM)
JUDGE