

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

CRWP No. 527 of 2016

DATE OF DECISION :- July 27, 2016

Venod

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MRS. JUSTICE SNEH PRASHAR

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

Mr. Pawan Girdhar, Addl. A.G., Haryana.

M.JEYAPPAUL, J.

1. The writ petitioner Venod, a convict having been convicted under Section 376D IPC and Section 120B IPC and sentenced to undergo imprisonment for a period of 20 years each, has moved the present writ petition praying for emergency parole to take care of the admission of his two children. The petitioner also has submitted that the offence allegedly committed by him does not fall under the category of "hard core criminal" as defined under Section 2(aa) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

2. Heard the submissions made on either side.

3. The Principal of B.P.D. Senior Secondary School, Jewali Badhra (Bhiwani) came present today and produced the admission particulars to state that both the children of the writ petitioner were already admitted in the above school and they have been pursuing their studies. In view of the above factual details submitted by the Principal of the school, we are of the considered view that there is no merit in the plea for emergency parole made by the petitioner for admission of his children in the School.

4. It is denied by the respondents that Suman Devi, the wife of the writ petitioner, never submitted an application for release of her husband on temporary parole before the jail authorities. No acknowledgment card or any other material was produced to substantiate that the writ petitioner through his wife submitted an application seeking temporary parole. The petitioner cannot approach this Court without inviting an order from the authority concerned by submitting necessary application for the aforesaid relief. On this ground also, the writ petition is liable to be dismissed.

5. It was vehemently submitted by the learned counsel appearing for the writ petitioner that the petitioner does not fall under the category of “hard core criminal” inasmuch as the act committed under Section 376D IPC is only an inter course and not rape.

6. We carefully went through the provisions under Section 2(aa) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. It has been denied that rape as covered under Section 376D falls under the category of “hard core prisoner”. Therefore, in our view, there is no merit in the above submission, very strangely made, before this Court.

7. A hard core prisoner should have completed five years of imprisonment before ever he could make any application for his temporary release or furlough.

8. In the facts and circumstances, we find that there is no merit in the Writ Petition and, therefore, it stands dismissed.

(M. JEYAPPAUL)
JUDGE

(SNEH PRASHAR)
JUDGE

July 27, 2016
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No