

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.652 of 2016 (O&M)
Date of Decision: August 03, 2016

Brij Gopal

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mrs.Sarla Chaudhary, Advocate
for the petitioner.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for grant of house repair parole in view of Section 3(1) d of the Haryana Good Conduct Prisoner's Temporary Release Act, 1988 and the amended Act 2015 in October and November 2015 for four weeks and to set aside the rejection order (Annexure P-1).

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the main observation in the rejection order (Annexure P-1) is that the petitioner has jumped the parole

on earlier occasion. He was released on parole for four weeks on

15.06.2005 and was instructed to report on 14.07.2005 but the petitioner jumped the parole for 5 years 4 months and 15 days. It is also in the order Annexure P-1 that the petitioner has been sentenced to undergo imprisonment for a period of three years on 02.01.2012.

Further, a report was called from the District Magistrate, Faridabad, who stated that police has reported that conduct of the petitioner was not good during the previous parole. But nothing has been mentioned as to what was the conduct or what the petitioner has done at the time of parole on earlier occasion.

For committing jail offence, the petitioner has already been sentenced and as held in *Jagdish vs. State of Haryana, 2016(2) RCR (Criminal) 641*, the case of petitioner can be entertained only after two years of his surrender/arrest as envisaged under Rule 10(ii) of the Rule.

In view of the above law laid down by Hon'ble Division Bench of this Court, the case of the petitioner cannot be rejected solely on the ground that petitioner jumped the parole for which he has already been sentenced and two years have passed in this case till now.

Therefore, finding merit in the present petition, the same is allowed. The respondents are directed to re-consider the case of the petitioner on merits, as per law, within two months from the receiving of certified copy of this order, in view of the above observations.

August 03, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No