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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No.921 of 2016.
Decided on:-21.07.2016.

Pardeep.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

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:- Mr. Varinder Singh Rana, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

The petitioner has filed the present petition under Article 226 of the Constitution of India impugning the order dated 30.5.2016 passed by Superintendent of Police, District Prison, Jhajjar (Annexure P-6) vide which his application for grant of emergency parole was dismissed.

It has been prayed that the respondents be directed to grant six weeks emergency parole to the petitioner so as to enable him to get his brother Sandeep treated from cancer, as the parents of the petitioner are old and are unable to get their son treated.

Learned counsel for the petitioner has contended that in view of

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the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 (for short, the Amended Act), a convict becomes eligible of emergency parole after completion of 5 years of sentence. However, request of the petitioner for grant of emergency parole was not considered by the jail authorities. Earlier, the petitioner has approached this Court by way of CRWP No.556 of 2016 and the same was disposed of vide order dated 29.4.2016 with a direction to respondents No.2 and 3 to take note of the contents of representation dated 4.4.2016 made by the petitioner and to act on the said representation in accordance with law. However, vide order dated 30.5.2016, claim of the petitioner for grant of parole has been rejected without considering the Amended Act as per which the petitioner-convict was entitled to parole after completion of 5 years of sentence.

Learned counsel for the petitioner has further contended that though the petitioner was involved in other cases, but in those cases either he was acquitted of the charges or he has already undergone the sentence imposed by the concerned court. Therefore, the very reason for rejection of parole by the impugned order is not sustainable.

I have heard learned counsel for the petitioner.

The petitioner was convicted by learned Additional Sessions Judge, Hisar in case FIR No.200 dated 27.6.2000 under Sections 392, 394 and 398 IPC registered at Police Station City Hansi vide judgment dated 21.10.2003. Vide separate order, he was sentenced to undergo rigorous

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imprisonment for a period of seven years and to pay a fine of Rs.500/-. In default of payment of fine, the petitioner was further required to undergo rigorous imprisonment for six months. The petitioner had preferred an appeal against the said judgment and order of sentence, in this Court by way of CRA-S-2216-SB of 2003, but the said appeal was dismissed by this Court on 14.1.2015. However, the sentence of the petitioner was started on 4.7.2015 on expiry of the sentence in case FIR No.170/03 under Sections 307/148/149/224/225/332/353 IPC and Arms Act registered at Police Station Bawani Khera.

The Superintendent of Police, District Prison, Jhajjar has considered the case of the petitioner for grant of parole. The impugned order dated 30.5.2016 shows that apart from the petitioner, who is a convict, his father Om Parkash and younger brother Mandeep, who is serving in Guru Jambheshwar University of Science and Technology, Hisar are available at home to look after and get his brother Sandeep treated from a hospital. The Register No.9 as maintained at Police Station Sadar Hansi depicts that 43 other criminal cases were found registered against the petitioner-convict. While rejecting claim of the petitioner, the Superintendent of Police, District Prison, Jhajjar has pointed out that in case the petitioner is released on parole, he may commit any crime and abscond from parole as per the report and list submitted by the SHO, Police Station Sadar Hansi.

Considering the fact that in order to attend and look after

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Sandeep, the ailing brother of the petitioner, his brother Mandeep and father Om Parkash are available, this Court does not find any illegality in the order dated 30.5.2016 passed by the Superintendent of Police, District Prison, Jhajjar. Accordingly, the present petition is dismissed.

(HARI PAL VERMA)
JUDGE

July 22, 2016
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