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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-1499-2016 (O&M)
Date of decision: - 8.8.2017

Sanjay

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: - Mr. R.S. Mamli, Advocate for petitioner.

Mr. Naveen Kaushik, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

This is a petition under Section 482 Cr. P.C. for setting aside the order dated 22.9.2016 (Annexure P-2) vide which the request of the petitioner-convict for grant of 8 weeks parole was declined, only on the ground that he is a hard core criminal.

A perusal of the aforesaid order shows that petitioner is undergoing life imprisonment in FIR No. 268 dated 25.6.2005 under Sections 302/344 IPC and Section 25 of the Arms Act registered at Police Station Asandh, District Karnal and while undergoing the sentence, he has been booked in three FIRs under Section 42 of the Prisons Act, 1894 (for short 'the Act') and is on bail.

Learned counsel for the petitioner submits that offence committed under the aforesaid Act will not fall in the category of a hard core prisoner. He has referred to a judgment of this Court in **Varinder Singh @ Vicky vs. State of Haryana and others, 2017 (1) RCR (Crl.) 625** and submits that as per Section 5A of the Haryana Good Conduct Prisoners (Temporary Release) Act 1988, even if a convict is a hard core criminal, on completion of 5 years of actual sentence, can

be considered for grant of bail.

Accordingly, it is submitted that the rejection of grant of parole to the petitioner is not legally sustainable.

After hearing learned counsel for the parties, this petition is allowed and the order Annexure P-2 dated 22.9.2016 declining the parole to the petitioner is set aside. Respondent No. 2-Director General of Prison, Haryana, Panchkula is directed to pass a fresh order on an application of the petitioner considering the aforesaid judgment referred to above.

Needful be done within a period of two weeks from the date of receipt of this order.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

8.8.2017
preeti

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No