

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

CRWP No.1556 of 2016 (O&M)

Date of Decision: May 25, 2017

Ombir alias Omi

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Krishan Singh, Advocate
for the petitioner.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

The petitioner has filed this criminal writ petition under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. read with Section 3(1) (c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for six weeks parole for agriculture purpose and to quash the impugned order Annexure P-2.

Notice of motion was issued. 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 petitioner has placed on record copy of custody certificate showing his total custody in case FIR No.76

dated 12.06.2011 as 5 years 3 months and 27 days upto 21.10.2016. Learned counsel for the petitioner argued that in another FIR, the petitioner has already been released on bail.

The competent authority dismissed the application of the present petitioner by stating that 5 years of imprisonment have not been completed so far. Learned State counsel has not shown any document to prove that the petitioner has not completed 5 years of sentence.

In view of The Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015, the five year imprisonment period shall not include imprisonment during trial period for more than two years while counting five years of imprisonment. As per the custody certificate (Annexure P-3) placed on record by the petitioner, the under trial period is 1 year 9 months and conviction period of 3 years 6 months and 27 days.

In view of the above discussion, the impugned order dated 06.10.2016 (Annexure P-2) is set aside. The competent authority is directed to re-consider the case of the petitioner within six weeks from receiving the certified copy of this order by taking the custody period as per The Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015.

Therefore, present petition stands allowed accordingly.

May 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No