

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-454-2016

Date of Decision:- 10.01.2017

Daljit

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. APS Gill, AAG, Punjab.

RITU BAHRI, J. (Oral)

Present petition has been filed for setting aside of order dated 14.03.2016 whereby the Deputy Commissioner, Jalandhar, has rejected the case of petitioner for releasing him on parole, being “Hardcore Prisoner”.

On notice, reply by way of affidavit has been filed by Superintendent, Central Jail, Bathinda, in which the provisions of The Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 and Amendment 2015 has been placed on record, vide Annexure R-1. As per clause (aa) of Section (2) of the said Amended Act “Hardcore prisoner” means a person confined in prison under a sentence of imprisonment, who has been convicted under an offence of rape with murder under Section 376 read with Section 302 of the Indian Penal Code, 1860 and an offence

Offences Act, 2012. Further, as per Section 5-A of the said Amended Act no prisoner shall be entitled to be released under this Act to whom the death sentence has been awarded or is a hardcore prisoner. The present petitioner has been convicted for the offences under Sections 302 and 376 IPC and his case is covered under the definition of “Hardcore Prisoner” as per Clause (aa) of Section (2) of The Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015. It has been also mentioned in the reply that Division Bench of this Court, vide order dated 26.09.2016 passed in CRWP-417-2016 (Annexure R-II) has dismissed the petition for release of petitioner, who has been convicted under Sections 302 and 376-D IPC.

After hearing the learned counsel for the parties, going through the record, this Court is of the considered view that the case of the petitioner is covered under the definition of “Hardcore Prisoner”, accordingly, no ground for releasing him on parole is made out and the present petition is hereby dismissed.

January 10, 2017
naresh.k

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No