

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Writ Petition No.715 of 2016

.....

Date of decision:27.4.2017

Nanu Ram

...Petitioner

v.

State of Haryana and others

...Respondents

....

**Coram: Hon'ble Mr. Justice Inderjit Singh**

.....

Present: Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Kuldeep Sharma, Deputy Advocate General, Haryana for  
the respondent-State.

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**Inderjit Singh, J.**

The petitioner has filed this criminal writ petition under Articles 226/227 of the Constitution of India read with Section 3(1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 read with Rule 8(iii) of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 for issuing directions to the respondents to release the petitioner on parole for the cogent reason of house repair.

Notice of motion was issued in this case.

Mr. Kuldeep Sharma, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this criminal writ petition.

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I have heard learned counsel for the petitioner as well as learned Deputy Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that the parole case of the present petitioner has been rejected only on the ground that he had jumped the parole on 7.1.2012 and was arrested after ten days as per the impugned order.

Learned counsel for the petitioner has placed reliance on the judgment of a Division Bench of this Court passed in Sonu alias Arun v. State of Haryana and others, Cr.W.P.No.1078 of 2014, decided on 9.2.2015, in which the Division Bench has held that the amendments, which was notified on 3.10.2013 in the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013, are prospective in nature and not retrospective in nature. Learned counsel for the petitioner also placed reliance on the judgment of this Court in Sanjay v. State of Haryana and others, 2015(5) Law Herald 4648, in which also the same findings have been given. Therefore, as the parole has been rejected on the ground of amendments in the Act, which are to be applied prospectively, hence the order passed by the competent authority is not as per law and the same is set aside.

Finding merit in the present petition, the same is allowed and the competent authority is directed to re-consider the case of the petitioner for temporary release on parole without taking into consideration the fact that he had jumped the parole in the year 2012. The necessary exercise shall

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be carried out as expeditiously as possible preferably within three weeks from the receipt of certified copy of this order.

April 27, 2017.

**(Inderjit Singh)**  
**Judge**

\*hsp\*

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| <b>NOTE:</b> | Whether speaking/reasoned: | Yes |
|              | Whether reportable:        | No  |