

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

**CRWP-1059-2017
Date of decision :13.10.2017**

Narender

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Hoshiar Singh Jaswal, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

It is contended that wife of the petitioner has to undergo surgery on 17.10.2017 and there is nobody to look after her except the petitioner, who is lodged in jail as a convict; the petitioner had submitted an application to Superintendent Jail, Gurugram for grant of parole but his such request was declined for the reason that he is covered under the category of hardcore prisoners in terms of para 2(AA)(i)(1) of the Haryana Good Conduct Prisoners (Temporary Release) Rules-2013 since he had been sentenced under Sections 364, 302, 392, 201, 34 IPC and that as per

Haryana Good Conduct (Temporary Release) Amended Rules – 2015, the convict has to complete 05 years, i.e. 02 years as under trial period and 03 years after conviction and thereafter he can be considered for parole. Learned counsel for the petitioner submits that the incident relates to year 1994 and the petitioner was convicted vide judgement dated 06.02.2002 and that rules quoted by the Superintendent jail were formulated later to passing of the judgment relating to the petitioner and these Rules / Policy do not have retrospective application. In support of his contention he has referred to citation of Division Bench of this Court **Jagpreet Singh @ Preet vs. State of Haryana and others, CRWP-427-2015** decided on 14.07.2015 in that regard.

Learned State counsel admits that vide this judgment it was observed that the Policy does not have retrospective application.

Accordingly, Superintendent District Jail, Gurugram is directed to re-consider the representation submitted by wife of the petitioner in light of the judgment **Jagpreet Singh @ Preet** referred supra and then to pass a fresh order taking into consideration the fact that the petitioner is stated to be the only male member in the family to look after his wife who is to undergo surgery, though the order is to be passed as per rules and guidelines. The needful be done at the earliest keeping in view the date of surgery of wife of petitioner.

The petition stands disposed of accordingly.

Copy of this order be given to learned counsel for the petitioner and State counsel under the signatures of Special Secretary of this Bench in

order to enable them to take up the matter with Superintendent Jail concerned.

13.10.2017
Gaurav Sorot

(H.S. MADAAN)
JUDGE

- 1. Whether reportable? No
- 2. Whether speaking / reasoned? Yes