

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

**CRWP No. 119 of 2017
Date of decision: 02.11.2017**

Rajender Singh

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed 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* and Rule 8(iii) of the *Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007* for issuing a writ of Certiorari for quashing of the order dated 02.11.2016, passed by the Commissioner, Division Gurugram, by which the petitioner was declined parole for the purpose of repair of his house.

Counsel for the petitioner argues that the petitioner is entitled for grant of parole to get his house repaired.

Upon notice, reply has been filed on behalf of respondents No. 1 to 4 in Court today. The same is taken on record. In reply, it is submitted that the petitioner is not entitled to parole as he had overstayed the earlier parole granted. It is also submitted that the site, where the house of the petitioner is situated, was inspected wherein it was found that the house was in dilapidated condition and had collapsed about a year and a

quarter back and that the debris had been cleared by the family members. Therefore, the question of repair of the said house would not arise.

Faced with this, counsel for the petitioner seeks to withdraw the instant petition with a prayer that the petitioner will move a fresh application seeking parole on the ground of rebuilding/construction of his residential house and the same should be entertained as expeditiously as possible. It is also argued that as per the aforesaid rules itself, the petitioner would be entitled to parole as he was arrested as far back as 26.05.2014 and a period of two years has since then lapsed. In this regard, he also places reliance upon a judgment rendered in **CRWP-443-2016** titled as ***Manoj vs. State of Haryana and others***, wherein, in the similar circumstances, a person, who had not surrendered and overstayed his parole, was allowed parole in terms of Rule 10 after the expiry of the period of two years.

In view of above, this petition is disposed of with a direction to the respondents that in case the petitioner moves a fresh application for grant of parole along with a certified copy of this order, the same will be decided in its perspective and in light of the judgment passed in **CRWP-443-2016**, within a period of one month from the date of receipt of the application.

02.11.2017

Ansari

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No