

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP No.248 of 2017

Date of decision: April 03, 2017

Balwinder @ Dharminder @ Rohit

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI**

Present:- Mr. Mohan Singh Rana, Advocate, for
Mr. Ashish Grewal, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

M. JEYAPPAUL, J. (ORAL)

The writ petitioner-Balwinder @ Dharminder @ Rohit has preferred the present writ petition challenging the order rejecting his plea for parole sought for on the medical ground.

The jail authorities disposed of the application submitted by the writ petitioner on 05.11.2016 observing that the application submitted by the writ petitioner cannot be processed as he falls under the category of 'Hardcore prisoner' having been convicted and sentenced under Section 376-D of the IPC.

Of course, counsel appearing for the writ petitioner, referring to the medical records of the writ petitioner, submits that the writ petitioner requires substantial medical treatment for Seizure disorder (Generalization Tonic clonic Seizure).

Learned State counsel referring to the medical records submitted that the doctor has opined during the course of the treatment given to the writ petitioner that there was no incident of seizure at the time when he was admitted to the hospital. It is his further submission that as per the amended provision under Section 5-A(2) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, writ petitioner who was convicted under Section 376-D of the IPC which falls under the category of 'Hardcore prisoner' is not entitled to apply for parole before ever he completes a period of five years imprisonment and has not been awarded any major punishment by the jail authorities.

As rightly pointed out by learned DAG, Haryana for the State, the application submitted by the writ petitioner cannot be lawfully processed as there is a bar under the above provision of law. The Authorities have rightly rejected the plea for parole submitted by the writ petitioner.

The writ petition stands dismissed.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

April 03, 2017
Dinesh Bansal

Whether speaking/reasoned Yes

Whether Reportable No