

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

**CRWP No. 299 of 2017 (O&M)
Date of decision: 10.05.2017.**

Surinder alias Pehalwan Petitioner.

Versus

State of Haryana and others Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. B.S. Aulakh, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. S.S. Pannu, Deputy Advocate General, Haryana,
for the respondents.

S.S. Saron, J.

The writ petition has been filed by the petitioner - Surinder alias Pehalwan under Articles 226/227 of the Constitution of India read with Section 3 (1) (a) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 ('Act' - for short) seeking quashing of the order dated 14.02.2017 (Annexure P1) passed by the Superintendent, District Jail, Karnal (respondent No. 3) whereby emergency parole of the petitioner for the surgery of his brother's son, who is suffering from 100% blindness, has been declined.

The petitioner along with others was an accused in case FIR No.160 dated 17.3.2006 registered at Police Station city Kaithal for the

offences punishable under Sections 302, 386 and 120-B Indian Penal Code ('IPC' - for short). He was acquitted by the learned trial Court in pursuance of order dated 9.3.2009. The State filed a criminal appeal i.e. CRA No.D-113-DB of 2010 against the acquittal of the petitioner in this Court which was allowed on 10.02.2014 and the petitioner was convicted and sentenced to undergo rigorous imprisonment for life; besides, pay a fine of Rs.30,000/- and in default in payment thereof undergo rigorous imprisonment for six years. The petitioner against the order of conviction and sentence passed by this Court on 10.02.2014, filed criminal appeal No.927 of 2014 in the Hon'ble Supreme Court. The Supreme Court in terms of its order passed on 14.07.2014 remitted the case to this Court. The criminal appeal No.D-113-DB of 2010 stands restored and is pending in this Court. The petitioner is in custody for the last more than six years. It is submitted that he had been appearing regularly before the learned trial Court and did not give any chance for complaints. He is undergoing his sentence in District Jail, Karnal.

It is submitted that the son of the petitioner's brother, namely, Pardeep son of Randhir Singh, suffered 100% blindness and he is getting regular treatment from the General Hospital, Kaithal. He has now been referred to PGI, Chandigarh for further treatment. Medical reports in respect of Pardeep son of Randhir Singh, the brother's son of the petitioner, have been placed on record. Randhir Singh, brother of the petitioner, it is stated, died ten years ago. The wife of Randhir Singh, namely, Manjit Kaur, who is the mother of Pardeep, has solemnized her marriage with the petitioner. Marriage certificate (Annexure P3) in this regard has been placed on record.

The petitioner prayed for grant of parole for the surgery of Pardeep, the brother's son of the petitioner, which has been declined by the impugned order dated 14.02.2017 (Annexure P1) passed by the Superintendent of Prison, District Prison, Karnal.

The speaking order dated 14.02.2017 (Annexure P1) inter alia mentions that the petitioner falls in the category of 'hardcore prisoner', as he has been convicted for the offence under Section 120-B IPC (murder for ransom). The petitioner, it is stated, has completed five years of imprisonment after conviction and is eligible for parole. He requested for grant of parole for eye operation of his brother's son. The brother of the petitioner is not alive, however, there is no provision under the Act and the rules framed thereunder to consider the application of the petitioner for grant of parole. A reference has been made to Rule 8 of the Haryana Good Conduct Prisoners (Temporary Release) Rules ('Rules' - for short) which elaborate the 'sufficient cause' for entitlement of parole in terms of Section 3 (1) (d) of the Act. The case of the petitioner does not come within the conditions provided under any of the conditions mentioned in Rule 8 of the Rules providing for 'sufficient cause'. Therefore, he is not entitled for parole.

Notice of motion was issued yesterday, as it was submitted by Ms. Manjit Kaur mother of Pardeep that the surgery of Pardeep is to be performed on 11.05.2017.

Mr. S.S. Pannu, Deputy Advocate General, Haryana, has submitted a copy of the report made by the SHO, Police Station City Kaithal dated 10.05.2017. The said report is taken on record.

According to the report that has been submitted, it is inter alia mentioned that Surinder alias Pehalwan - petitioner has been convicted and sentenced to seven years imprisonment in case FIR No.662 of 2002 registered at P.S. City, Kaithal under Sections 399, 307, 332 and 353 IPC, besides, Section 25 of the Arms Act. He has also been convicted and sentenced to ten years imprisonment in case FIR No.675 of 2009 registered at Police Station City Kaithal for the offence under Section 395 IPC. Besides, he has been convicted and sentenced to life imprisonment in case FIR No.160 of 2006 registered at Police Station City Kaithal for the offences under Sections 307, 120-B and 302 IPC; besides, Section 25 of the Arms Act. During this time, he was declared a proclaimed offender on 15.12.2006. He was arrested on 06.06.2008 in respect of which FIR No.276 dated 12.06.2008 was registered at Police Station City Kaithal for the offence under Section 174-A IPC. Along with him, Baljit Singh alias Jeeta, resident of Badsikri Kalan and Joginder Singh son of Ishwar, resident of Geong had got prepared false passports from Nagpur and all three of them had gone to South Africa. They were got extradited from there and case FIR No.4 of 2010 stands registered at Police Station Sadar Kaithal for the offences under Sections 398 and 401 IPC; besides, Section 25 of the Arms Act.

It is further stated that Surinder alias Phelwan (petitioner) is a dreaded criminal offender. In case he is released, the chances of his return to jail are next to nil. The wife of Surinder alias Phelwan namely Manjit Kaur has solemnized her marriage with Surinder while he was in jail. The first husband of Manjit Kaur namely Randhir Singh has died.

It is stated that Manjit Kaur is also a female criminal offender. She is involved in many cases of 'honey trapping' which entail punishment. Against Manjit Kaur, FIR No. 197 of 2015 stands registered at Police Station Civil Lines, Kaithal for the offences under Sections 384, 388, 419, 420 and 120-B IPC; besides, Sections 7 and 13 of the Prevention of Corruption Act. Case FIR No.200 of 2015 also stands registered at Police Station Civil Lines, Kaithal for the offences under Sections 384, 388, 419 and 420, 120-B and 506 IPC. Moreover, case FIR No.273 dated 25.09.2014 stands registered at Police Station Civil Lines, Kaithal for the offences under Sections 148, 149, 452 and 448 IPC. Case FIR No.115 of 2015 stands registered at Police Station Kalayat for the offences under Sections 384, 388, 120-B and 506 IPC; besides, Sections 7 and 13 of the Prevention of Corruption Act in which she has been sentenced to seven years. Case FIR No.90 of 2015 stands registered at Police Station Rajaund for the offences under Sections 384, 388, 420 and 120-B IPC. Case FIR No.72 of 2011 is registered at Police Station Rajaund for the offences under Sections 376, 452 and 34 IPC in which Manjit Kaur is the complainant. Case FIR No.285 dated 23.06.2013 is registered at Police Station Narnaund, Hisar for the offences under Sections 445, 506 and 34 IPC.

It is further mentioned that Dr. Dogra, Eye Specialist, PGI, Chandigarh was contacted on his mobile number he was asked about Pardeep son of Randhir Singh, resident of Sehrdah, District Kaithal. The doctor expressed his ignorance regarding the said patient. He said that till the time he saw history of the patient, he could not say anything. Besides, insofar as he recollected, there was no patient with him who was so serious.

It is in the circumstances submitted by the SHO, Police Station City Kaithal that the petitioner is a dangerous type of a criminal and is making excuses for coming out of the jail and his wife Manjit Kaur is also conspiring to make him escape because she herself is a female criminal offender. Therefore, it is prayed that no kind of benevolence be shown to Surinder alias Pehalwan (petitioner). The report is submitted.

The biological father of Pardeep is Randhir Singh, who has since died. The mother of Pardeep namely Manjit Kaur is there to look after him.

Keeping in view the nature of allegations and the fact that the petitioner is not the biological father of Pardeep, besides, the fact that according to the police report in case of his release the chances of his return are next to nil, besides, Dr. Dogra of PGI has stated that there is no such serious patient with him, it would not be just and expedient to grant parole to the petitioner at this stage in exercise of the writ jurisdiction of this Court. However, he may, if so advised, in future approach the competent authority under the Act for grant of parole in accordance with law.

The criminal writ petition is accordingly dismissed.

(S.S. SARON)
JUDGE

(DARSHAN SINGH)
JUDGE

10.05.2017
Ramesh

Note: 1. Whether reasoned/speaking : Yes
2. Whether reportable : No