

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

CRL. WRIT PETITION No.470 OF 2017
DATE OF DECISION : 8th MAY, 2017

Govind

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. J. S. Bains, Advocate for the petitioner.
 Mr. Chetan Sharma, AAG, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

Learned state counsel has filed reply which is taken on record.

Perusal of the entire reply shows the following convictions and FIRs against the petitioner:

3. (i) FIR No.316 dated 20.07.1991 U/S 458/395/397
 IPC PS City Yamuna Nagar:- convicted and sentenced by the Ld. Court of Sh. B. L. Singal, Additional Sessions Judge, Jagadhri on 24.02.1996 to undergo ten (10) years rigorous imprisonment & to pay a fine of Rs.600/- in default of payment of fine he shall further undergo rigorous imprisonment for nine (09) months.
- (ii) FIR No.360 dated 30.10.2000 U/S 395/397 IPC
 P.S. Gharauda, Karnal:- Convicted and sentenced by the Ld. Court of Sh. Vimal Sapra, Additional

Sessions Judge, Karnal on 02.01.2015 to undergo ten (10) years rigorous imprisonment & to pay a fine of Rs.1,000/- in default of payment of fine he shall further undergo imprisonment for one (01) month.

- (iii) FIR No.62 dated 08.03.2010 U/S 8/9 Parole Act, P.S Baldev Nagar, Ambala:- Convicted and sentenced by the Ld. Court of Sh. Ashu Kumar Jain, CJM, Ambala on 07.05.2015 to undergo three (03) years simple imprisonment & to pay a fine of Rs.2000/- in default of payment of fine he shall further undergo simple imprisonment for three (03) months.
- (iv) FIR No.25/10 case No.4275/2011 U/S 224 IPC P.S. G.R.P. Kota (Raj) – Convicted and sentenced to undergo S.I. for six (06) months by the then Ld. Court of ACJM, (Railways Kota) Camp at Gangapur (Rajasthan) on 27.11.2014. However the sentence already executed during undertrial period.
- (v) FIR No.589 dated 18.11.2013 U/S 174-A P.S. Baldev Nagar, Ambala – Convicted and sentenced to the period already undergone vide order dated 17.05.2014 by the then Ld. Court of ACJM, Ambala.
- (vi) FIR No 564 dated 09.12.2013 U/s 174-A IPC P.S. Gharaunda, Karnal – Convicted and sentenced to the period already undergone from 09.12.2013 to 26.03.2014 vide order dated 26.03.2014 by the

then Ld. Court of Sh. Akshay Chaudhary, JMIC, Karnal.

- (vii) FIR No.401/2001 U/S 302/201 IPC P.S. Rajouri Garden :- Discharged by the Ld. Court of Sh. Rakesh Kumar-ii, Additional Sessions Judge-03, (West) District, Room No.353, 3rd Floor, Tis Hazari Court, Delhi on 21.07.2015.
- (viii) FIR 80/10 U/s 25 of Arms Act, P.S Mangolpuri, Delhi:- Convicted and sentenced to period already undergone by the then Ld. Court of Sh. Shirish Aggarwal, Metropolitan Magistrate (North West), Delhi on 13.1.2016 and to pay a fine of Rs.1000/- in default of payment of fine shall further undergo simple imprisonment for a period of five (05) days.
- (ix) FIR No.327 dated 21.09.1991, U/S 399/402 IPC, P.S. Jagadhari: Acquitted by the then Ld. Court of Additional Sessions Judge, Jagadhari on 17.02.1997.
- (x) FIR No.313 dated 17.07.1991, U/S 458 / 397 / 395 IPC, PS City Yamuna Nagar: Acquitted by the then Ld. Court of ASJ, Jagadhari on 01.10.1996.
- (xi) FIR No.215 dated 08.08.1991, U/S 395/397/412 IPC, P.S. East Chandigarh: Acquitted by the then Ld. Court of Additional Sessions Judge, Chandigarh on 16.05.1996.

That apart para 4 is quoted hereunder:

“4. That, the petitioner, was earlier released on two weeks parole on 02.05.1998 with a direction to surrender at Jail Gate on 17.05.1998, however the

petitioner remained parole absconder from
17.05.1998 to 10.12.2013, i.e. 15 years 06 months
and 23 days.”

Looking to the averments in para 4 that having obtained
parole on 02.05.1998 the petitioner jumped the parole and was traced
only after fifteen years i.e. on 10.12.2013, the prayer for direction to
consider the plea for parole be given to the State Authorities cannot be
accepted.

In the light of the whole background the petitioner cannot
extended the benefit of grant of parole even if there is a marriage in the
family as there is likelihood of petitioner jumping the parole he having
realized number of convictions against him. The State cannot be asked to
run after petitioner time and again.

In that view of the matter, the petition is dismissed.

8th MAY, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>No</i>