

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRWP No.658 of 2017
Date of decision: 2.6.2017

Pawan Kumar

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Varinder Singh Rana, Advocate,
for the petitioner.

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that the petitioner is being denied parole on the ground that he was alleged to have been discovered with a mobile phone in the jail on 1.1.2013.

He further submits that, as a matter of fact, the petitioner was acquitted in the proceedings against him in terms of the Prisons Act.

He relies upon judgments of this Court in Sonu @ Arun vs. State of Haryana and others, passed in CRWP No.1078 of 2014, decided on 9.2.2015, and Mohit vs State of Haryana and others, passed in CRWP No.350 of 2015, decided on 6.1.2016, to submit that the petitioners' case would need to be considered under the amended Act, even though the crime for which he has been convicted was prior to the amendment.

Consequently, this petition is disposed of with a direction to respondents no.2 and 3 and all other authorities concerned, including the District Magistrate, to consider the case of the petitioner for his release on agricultural parole in terms of the aforesaid judgments of this Court, keeping in view the fact that he has not been convicted under the Prisons

Act, as per Annexure P-3. If, however, there is any valid reason for rejection of parole, such as subsequent conviction etc., the order to be passed by the authorities concerned shall give full details of such reason.

The order to be passed by the authorities concerned shall be passed within a period of two months from the date of receipt of a certified copy of this order.

2.6.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No