

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

**CRWP No.793 of 2017
Date of Decision: 21.07.2017**

Sandeep Kumar Hooda @ Bhola

... Petitioner

Versus

State of Haryana & ors.

... Respondents

**CORAM:- HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Dhruv Gupta, Advocate, for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

T.P.S. MANN, J.(Oral)

By filing the present petition under Article 226 of the Constitution of India read with Section 3 (1) (b) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, the petitioner seeks setting aside of the order dated 04.07.2017 (Annexure P-1) passed by the Superintendent , Central Jail, Ambala, whereby he has been held to be not entitled for parole as he was detected using cell phone or in possession of cell phone/SIM card inside the jail premises.

According to the petitioner, he is 32 years of age and being of marriageable age, his marriage has been fixed by his widowed mother with one Sangeeta to be solemnized on 22.7.2017. In this regard, he has placed on record copy of the marriage card (Annexure P-2) and Gram Panchayat report (Annexure P-3). He has also pleaded that he has already undergone more than nine years and nine months of imprisonment till date and after his conviction and sentence by the learned trial Court, he was released on parole on three different

occasions for a total period of fourteen weeks and every time he surrendered before the jail authorities well-in-time. Prayer has, accordingly, been made for releasing him on interim bail so that his marriage may be solemnized on 22.7.2017.

Upon notice, reply has been filed on behalf of the respondents, wherein it stands mentioned that the petitioner is a hardcore convict as on three different occasions, he was booked under Section 42 of the Prisons Act though in two of them he stands acquitted but in the third he stands convicted and sentenced to the period already undergone by him. However, it has been admitted that he has already availed parole thrice for a total period of fourteen weeks. Therefore, he does not deserve the discretionary relief of release on parole.

After hearing learned counsel for the parties and on going through the petition as well as the reply filed by the State, this Court is of the view that the petitioner can be ordered to be released on parole for a fixed duration so that his marriage may be solemnized as per the wishes of his family as well as family of the prospective bride, more so when in the third case in which the petitioner stood booked under Section 42 of the Prisons Act, wherein he has already been convicted and sentenced pertains to 20.7.2012 and has thus, undergone a period of more than five years since the registration of the said FIR.

Resutantly, the petition is accepted. The petitioner be released on parole for a period of one week from the date of his actual release, subject to his furnishing personal bail bonds in the sum of Rs.1.00 lac with two sureties, one of which shall be furnished by the

Sarpanch of Gram Panchayat Sanghi (Rohtak), to the satisfaction of the District Magistrate, Rohtak. On the expiry of the period for which he is released on parole, he shall surrender before the jail authorities.

(T.P.S. MANN)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

21.07.2017
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>