

Sr.No.212

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

CRWP-809-2017(O&M)

Date of Decision: 20.11.2017

Jagminder @ Kala

....Petitioner

VS.

State of Haryana and others

...Respondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present:- Mr.Parveen Chauhan, Advocate for the petitioner.
Ms. Kirti Singh, DAG, Haryana.

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MAHESH GROVER, J (ORAL)

The present petition has been filed under Article 226 of the Constitution of India praying for agriculture parole for six weeks' by setting aside the order dated 05.05.2017 passed by respondent no.2.

The petitioner claims that his prayer for parole has been wrongly rejected by applying the provisions of the 2013 Notification prohibiting the release of parole of prisoners who have been classified as Hardcore prisoners.

Learned counsel for the petitioner contends that the offence attributed to him i.e recovery of a cell phone in jail pertains to the year 2011 and since the Notification which has been used against him came into being in 2013, the same could not be applied. The respondent, in turn, has stated that there were two jail offences in which the petitioner was involved, one of the year 2011 and the other of 2015 when again he was discovered with a mobile phone in jail. To this, learned counsel for the petitioner would contend that proceedings against him had been dropped.

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We notice from the record that the proceedings against him were dropped only because of the futility of continuing with them in the wake of the petitioner having already undergone the period of six months, the maximum that is provided in the event of conviction.

There is nothing on record to exonerate him totally. Since the cell phone was recovered in 2015 which is an offence bringing the petitioner into the category of Hardcore prisoners in terms of the Notification of 2013, the provisions have been correctly applied and the contention of the petitioner would be unsustainable.

At this stage, learned counsel for the petitioner contends that the petitioner is ailing and has stones in his gallbladder.

If that being so, the jail authorities would be well advised to ensure proper medical treatment to the petitioner.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

20.11.2017
mamta

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No