

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

CRWP-895-2017

Date of decision :23.08.2017

Gulzar Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. K.S. Lakhanpal, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

H.S. MADAAN, J. (Oral)

This criminal writ petition under Article 226 of Constitution of India for issuance of appropriate direction to the respondents to further extend the parole period by four months under Section 3(1)(d) of Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 has been filed by petitioner – Gulzar Singh, a convict in FIR No.55 dated 04.06.2012 under Section 15 of NDPS Act registered at Police Station Bassi Pathana, District Fatehgarh Sahib undergoing rigorous imprisonment for 10 years in Maximum Security Jail, Nabha.

According to the petitioner, he has been granted parole for 6

weeks' on 12.07.2017; that his sons are residing separately along with their families. The petitioner and his wife do not have any house in the village. The petitioner has started construction of a new house. He is aged about 65 years and is looking after construction work, which would take more time for completion. The Gram Panchayat of the village has corroborated this fact by issuing *Panchayatnama*. The petitioner had submitted a representation to Maximum Security Jail Nabha-respondent No.3 to extend his parole period so that he could construct his house but no response has been received till date. Therefore, his petition be accepted and parole be extended by 4 months.

On notice, respondents appeared and filed written reply contesting the petition. It is further contended that the petitioner was released on 6 weeks parole on 12.07.2017. As per order No.2507 of 12.07.2017 he was directed to surrender back in the jail on 24.08.2017; that as per the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 there is no provision to extend parole of the convict, therefore, the petition be dismissed.

I have heard learned counsel for the petitioner and learned State counsel, besides going through the record and I find that there is no merit in the petition.

Learned counsel has contended that in a similar situation in **CRWP-1573-2015 (O&M)** titled as **Sukha Singh vs. State of Punjab and others** decided on 20.11.2015 by a Co-ordinate Bench of this Court, extension of 08 weeks in the parole for the purpose of construction of house was granted.

As regards the authority referred by learned counsel for the

petitioner by a Co-ordinate Bench of this Court, the observations might have been made by such Bench considering peculiar facts and circumstances of that case, but the same does not act as a precedent.

Learned counsel for the petitioner was asked to point out any provision in terms of which extension in parole can be granted by this Court, but he has failed to do so.

Therefore, this concession cannot be granted to the petitioner in the present case. However, I find that the Rules do not provide that a person proceeding on parole could seek extension therein much less for such like purpose. This Court is to interpret the Statute and the Rules on the subject and cannot create a provision which does not exist in the Acts, Rules or Regulations. The petitioner is not entitled to any extension in parole as prayed for.

There is no merit in the petition, the same stands dismissed accordingly.

23.08.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**