

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 931 of 2017
Date of Decision: 30.10.2017

Raju @ Ramesh @ Ajay

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anil Kumar, Advocate
for Mr. Anoop Singh Sheoran, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

SURINDER GUPTA, J.

The petitioner by filing this petition under Articles 226/227 of Constitution of India read with Section 3 (1) (b) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 has sought indulgence of this Court to give direction to respondents for grant of parole to petitioner for repair of his house.

2. The petitioner is undergoing rigorous imprisonment for life awarded to him by the Court of Sessions in case bearing FIR No. 123 dated 30.04.2008, for offences punishable under Sections 396, 397 IPC and 25 of the Arms Act, registered at Police Station Punhana, vide judgment dated 23.03.2013.

3. Learned counsel for the petitioner submits that even if the petitioner is a hardcore criminal, he is entitled for parole for the repair of his house as per Section 5A of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 as he has completed five years of imprisonment by now.

4. On perusal of custody certificate, I find that petitioner was also awarded the sentence of seven years for offences punishable under Sections 395, 397 IPC and 25 of the Arms Act in case bearing FIR No. 36 dated 02.03.2010, registered at Police Station Bilaspur, Gurgaon vide judgment dated 12.05.2012 passed by Additional Sessions Judge, Gurgaon. He has also been convicted and sentenced in following cases:-

- (i) FIR No. 71 of 2010, under Sections 224/225/332 IPC, Police Station City Palwal, District Palwal.
- (ii) FIR No. 150 of 2009, under the Arms Act, Police Station Hodal, District Palwal.
- (iii) FIR No. 216 of 2013, under the Prison Act 18/4, Police Station Sadar Ballabhgarh, District Faridabad.
- (iv) FIR No. 718 dated 26.09.2001, under Section 411 IPC, Police Station NIT, Faridabad.
- (v) FIR No. 28 of 2013, under Sections 147/149/323/506 IPC, Police Station Sadar Ballabhgarh, District Faridabad.

5. In following five cases, he is still facing trial:-

- (i) Crl. No. 210 & 226 SST, u/s 392/342/411 IPC, Police Station Sadar Agra (UP).
- (ii) FIR No. 513 of 2010, u/s 2/3 Gangster Act, Police Station Sadar Agra (UP).
- (iii) FIR No. 865/08, Crl. No. 17/6, u/s 307/394/34 IPC, Police Station Kosi Kalan (UP).
- (iv) ST No. 60-A, Crl. No. 113/09, u/s 395/412 IPC, Police Station Chhata (UP).
- (v) FIR No. 37/10, SST No. 34/10, u/s 400/402 IPC & Arms Act, Police Station Badarwas, Shiv Puri (MP).

6. In other five cases, he has faced trial but acquitted.

7. Parole is a facility given to prisoner for his temporary release for certain purposes, which is extended to him keeping in view his good

conduct during the jail. In this case, it is apparent that the petitioner was facing trial in case bearing FIR No. 128 dated 30.04.2008, registered at Police Station Punhana and during the period when he was on bail he committed a number of offences for which he has been convicted and awarded the sentences of various period including sentence of rigorous imprisonment for seven years awarded to him in case bearing FIR No. 36 dated 02.03.2010, which has also been undergone by him. He is facing trial for several other offences for which FIR were recorded against him during the period he was on bail.

8. All these facts have weighed before the competent authority while drawing the conclusion that petitioner, who has indulged in heinous crimes time and again, if released on parole, may endanger the security of the State and maintenance of the public order. I find no reason to interfere with the order passed by competent authority refusing parole to the petitioner. This petition has no merit and the same is dismissed. However, petitioner will be at liberty to apply for his release on parole after expiry of period of 12 months. His application, if filed, will be considered as per rules and also keeping in view his conduct in the jail after obtaining report in this regard from jail Superintendent.

October 30, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No