

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

CRWP-1307-2017

Date of decision:-18.1.2018

Narender

...Petitioner

Versus

The State of Haryana and others

...Respondents

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

Present : Mr.H.S. Jaswal, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

Petitioner Narender lodged in jail as a convict is craving for setting aside the order dated 30.10.2017 passed by Commissioner, Gurugram Division, Gurugram, vide which his request for grant of parole was rejected.

Earlier the petitioner had brought CRWP-1059 of 2017 before this Court which was disposed of vide order dated 13.10.2017 directing Superintendent, District Jail, Gurugram to reconsider the representation submitted by wife of petitioner in light of judgment ***Jagpreet Singh @ Preet Versus State of Haryana and others***, CRWP-427-2015 decided on 14.7.2015 and then to pass a fresh order taking into consideration the fact that petitioner is stated to be the only male member in the family to look after his wife, who is to undergo surgery.

I have heard learned counsel for the parties besides going through the record.

After the trial, the accused were acquitted vide judgment dated 6.2.2002. However, on an appeal having been filed by State of Haryana that judgment was reversed and vide order dated 10.4.2015 passed by this Court, the petitioner along with his co-accused were convicted. Thus the date of conviction in this case is to be taken as 10.4.2015 on which date the amended rules were in operation. Therefore, the petitioner being covered by category of hard-core prisoners, is to be considered for grant of parole only after custody of five years. Furthermore, parole is a concession given to a convict keeping in view his act and conduct and it cannot be claimed as a matter of right. The petitioner is seeking release on parole for the reason that his wife is to undergo surgery for piles. However, Dr.Naveen Kumar, Civil Surgeon, Government Hospital, Palwal has given in writing that wife of the petitioner, namely Savita had not come on the date of operation in the hospital and did not turn up in his OPD or OT or ward either after date of operation was given to the patient. This report is dated 1.12.2017 and has been enclosed with the written reply by the respondents. Therefore, a big question mark is put over the truthfulness of the plea so taken by the petitioner.

Finding no merits in the petition, the stands dismissed.

(H.S.MADAAN)
JUDGE

18.1.2018

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No