

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

CRWP No.1423 of 2017 (O&M)

Date of Decision:- 11.01.2018

Sukhdev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.

Rajesh Bindal, J.

Reply by way of affidavit of Iqbal Singh Brar, Deputy Superintendent, Central Jail, Faridkot, filed in Court today, is taken on record.

2. The petitioner has filed the present writ petition claiming the following relief:

a) to issue appropriate writ, order or direction setting aside order dated 29.09.2017 (Annexure P-2), whereby the case of the petitioner for grant of parole has been rejected and further to grant parole to the petitioner for a period of six weeks, in the interest of justice and

b) Any other appropriate order or direction, which the Court may deem fit and proper in the facts and circumstances of this case.

3. The petition has been styled as 'Criminal Writ Petition'.

4. The High Court has framed Writ Jurisdiction (Punjab and Haryana) Rules, 1976, which is forming part of Punjab and Haryana High Court Rules and Orders, Volume-5, Chapter-4, Part-F. Rule-3 thereof provides for Criminal Writ Petitions, which reads as under:-

“3. **Criminal Writ Petitions.**- A petition for the issuance of a writ in the nature of habeas corpus or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial or its equivalent tribunal shall be styled as ‘Criminal Writ Petition’.”

5. A perusal of the aforesaid rule shows that a Criminal Writ Petition can be filed in the nature of habeas corpus or any petition challenging order of punishment passed in pursuance to any proceedings before a Court Martial or its equivalent tribunal. The relief claimed in the present petition does not fall in any of the categories prescribed in the rule.

6. Hence, the Criminal Writ Petition for the relief claimed is not maintainable.

7. Dismissed.

8. However, it will not bar the petitioner to avail appropriate remedy in accordance with law.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

11.01.2018

rajesh.k.khurana

Whether speaking /reasoned : Yes / No

Whether Reportable : Yes / No