

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

**Criminal Writ Petition No.1526 of 2017(O&M)
Date of Decision : 25.01.2018**

Janki Parsad

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mrs. Sarla Chaudhar, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J. (Oral)

Reply by way of affidavit of Anil Kumar, Superintendent,
District Jail, Faridabad on behalf of respondent(s)-State has been filed.
Same is taken on record.

The petitioner has preferred the instant petition under Article 226 of the Constitution of India for grant of parole for four weeks to repair his house in view of Section 3(1) d, of the Haryana Good Conduct Prisoner's Temporary Release Act, 1988 by setting aside the rejection report (Annexure P-2).

Earlier, the petitioner filed a writ petition i.e. CWP No.632 of 2016 before this Court and the said petition was disposed of vide order dated 18.10.2016, with the following terms:-

*“Vide order dated 03.08.2016, the claim of the petitioner for parole has been rejected without considering the aforesaid Rule 10 (ii) of the Act and the Division Bench judgement of this Court in **Jagdish's case (supra)**, wherein this Court has observed that where a convict has absconded, his claim for parole can be entertained only after two years of*

his surrender/arrests as envisaged under Rule 10(ii) of the Rules.

Therefore, at this stage, without giving any opinion of the merits of the case, the respondents are directed to consider the case of the petitioner for house repair parole in accordance with law including Rule 10 (ii) of the Act and to pass a fresh speaking order.

With the aforesaid observation, present petition stands disposed of. "

Notice of motion was issued. However, the respondent again reconsidered the matter and rejected the claim of the petitioner vide rejection report (Annexure P-2) .

Petitioner wants to repair his house.

Heard.

The instant petition stands disposed of with a direction to the respondents to reconsider the matter within 90 days. In failure to do so, the petitioner be released on parole for the said purpose.

25.01.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No