

CRWP-903-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209

CRWP-903-2017.

Decided on: February 20, 2018.

Mukesh @ Guddu

.. Petitioner

VERSUS

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

*** * ***

**PRESENT Mr.R.K.Bagga, Advocate,
for the petitioner.**

Ms.Shubhra Singh, Addl. A.G. Haryana.

M.M.S. BEDI, J. (ORAL)

Petitioner, through the instant petition under Article 226 of the Constitution of India, seeks concession of parole on the ground that he has been in custody for the last about 6 years and he deserves to be released on temporary emergency parole for repair of his house in village Tikri, Police Station Doghat, District Bhagpat (U.P.). The Police of Baghpat, (U.P.), sent a report to the District Magistrate, Bhagpat (U.P.) that mother and two brothers Kumvarpal and Vikram are available to look after repair of the house. The report of District Magistrate, Bhagpat (U.P.).was received by the Commissioner, Ambala Division, who has dismissed the application for release of parole relying upon the report of District Magistrate, Bhagpat (U.P.).

With the assistance of the State counsel, we have gone through the original report of the District Magistrate, Bhagpat (U.P.), and

CRWP-903-2017

are of the opinion that the petitioner may not be eligible specifically for repair of his house but so far as the observations made by the District Magistrate, Bhagpat (U.P.). in Annexure P1, that any untoward incident may occur to the convict and that if he comes to the village, then there is strong possibility that he may abscond, is concerned, the said observation does not appear to be based upon any material, as such the observation is required to be struck down from the order Annexure P1 being illegal and not warranted by any circumstance. We are of the opinion that the petitioner does not fall under the category of “hardcore prisoner” and his claim for temporary release can be reconsidered in case he is able to establish that it is desirable for him to be released on temporary basis for any cause which would fall under Section 3 (d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. It will also be open to the petitioner to seek the concession of temporary release on furlough under Section 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. In case any such application is filed by the petitioner, the same may be decided expeditiously within a period of one month of filing of such application.

With above observations, the petition is disposed of.

(M.M.S. BEDI)
JUDGE

February 20, 2018.
raj arora

(GURVINDER SINGH GILL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No