

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

CRWP No.997 of 2017 (O&M)

Date of Decision:- 11.01.2018

Jaswinder 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 A.S. Trikha, Advocate  
for the petitioner.

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

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**Rajesh Bindal, J.**

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

- a) by submitting Criminal Writ Petition U/A 226 of Constitution of India praying to issue notice of motion or direction or any appropriate writ to respondents/ particularly to the Superintendent, District Jail, Faridkot, to initiate application as at Annexure P-1 along with Panchayatnama as at Annexure P-2, submitted by the petitioner-Jaswinder Singh, resident of District Moga, from inside the jail;
- b) According to government instructions placed as Annexure P-3, which reads that 'if any convict who is on bail or is convicted in all cases and no case is pending against him, his parole/furlough case will be initiated by the superintendent'.

c) According to Punjab Good Conduct Prisoners (Temporary Release) Amendment Ordinance, 1999, notified on 13.01.2000 'that for the first time any of the ground specified in clause (b to d), prisoner shall be allowed when the prisoner has undergone sentence with good conduct for a minimum period of one year'.

d) Now that the petitioner was arrested in FIR No.119 dated 26.10.2013, for the offence U/s 15/61/85 by the Police Station Nahinawala and conviction and sentenced to 14 years of imprisonment by the Addl. Sessions Judge, Moga, on 2.11.2016 and has committed no jail offence. Thus, he becomes entitled to release on parole. The Superintendent should initiate his application for temporary release.

Consequently when he has committed no jail offence for the last over 1 year and his conduct inside the jail is satisfactory, so his application shall be processed U/s 3(1)(d) of the Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015, subject to satisfaction of District Magistrate, Moga.

The petitioner is in Faridkot Jail and is not readily available to file the certified copies of annexures so he may be allowed to place on true copies of the same on record.

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

4. 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.

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

6. Dismissed.

7. 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