

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

CRWP No. 146 of 2018 (O&M)

Date of decision: 6.2.2018

Anubhav @ Guddu

.. Petitioner

vs

State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Anil Kshetarpal**

Present: Mr. Davinder Pal Soni, Advocate for
Mr. Anoop Singh Sheoran, Advocate, for the petitioner.

Rajesh Bindal, J.

The petitioner has filed the present writ petition with the following prayer:-

“It is, therefore, respectfully prayed that this petition may kindly be accepted and the petitioner may kindly be granted four weeks parole in case FIR No. 158 Dated 01.08.2010 U/S 302 of IPC and 27 of the Arms Act, registered at Police Station City Dadri.

AND

It is further prayed that necessary directions may kindly be issued to the respondents to decide the application dated 01.11.2017 of the petitioner sent to the respondent no. 2 and 3 for grant of parole in a time bound manner, as per the instructions of the Government issued vide letter dated 09.10.2014. Ann-P-1.”

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

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'.”

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.

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

Dismissed.

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

(Rajesh Bindal)
Judge

6.2.2018
vs

(Anil Kshetarpal)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No