

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.12090 of 2018
Date of Decision:15.05.2018

Mahender @ Kaira

. Petitioner

Vs.

The State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.A.S. Trikha, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner was convicted and sentenced for 8 years. He is presently confined in District Jail, Bhiwani. His younger brother Balraj filed an application to the Superintendent, District Jail, Bhiwani for parole of the petitioner for the purpose of house repair. However, the District Magistrate did not recommend the grant of parole vide his impugned order dated 01.02.2018 observing that as per the police report family of the convict lives separately. It is also observed that a case was registered against the petitioner under Section 42 of the Prison Act, 1894 vide FIR No.120 dated 19.2.2014 and thus he falls under the category of 'hardcore prisoner' as per Section 2(aa)(iv) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 [for short 'the Act'] as per which a person would be deemed to be a 'hardcore prisoner' who would be detected of using cell phone or in possession of cell phone/SIM card inside the jail premises. The petitioner has applied for parole in terms of Section 3(1)(d) of the Act which

does not apply to the 'hardcore prisoner' because Section 5A of the Act would apply to the 'hardcore prisoners' for the purpose of their temporary release.

After hearing learned counsel for the petitioner and taking into consideration the aforesaid facts and circumstances, I do not find any reason to interfere in this petition because once the petitioner has been held to be a 'hardcore prisoner', the application under Section 3(1)(d) of the Act is not maintainable. No other argument has been raised.

Dismissed.

15.05.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No