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

CWP No.16891 of 2018

Date of decision: September 28, 2018

Karambir

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

**Present: Mr. Ravinder Bangar, Advocate,
for the petitioner.**

Mr. Rahul Mohan, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner has prayed for his temporary release on parole for agriculture purposes.

In brief, the petitioner is suffering life imprisonment inflicted upon him on 07.10.2016 by the Additional Sessions Judge, Yamuna Nagar in a case registered vide FIR No.69 dated 01.05.2013, under Sections 302/148/149/120-B IPC at Police Station Radaur, District Yamuna Nagar.

According to the respondents, during the period of his imprisonment in the aforesaid case, since the petitioner has committed a jail offence for which he is facing trial in the case registered vide FIR No.186 dated 10.02.2017, under Sections 42-A of the Prisons Act, 1894 at Police Station City, Jagadhri for having cell phone inside the jail premises, therefore, he has been put in the category of "hardcore prisoner" as per Section 2(aa)(iv) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988

(hereinafter referred to as the “Act”) and, thus, the petitioner would be eligible for any kind of parole/furlough after completion of five years of imprisonment after being categorized as a “hardcore prisoner” in terms of Section 5-A(2) of the Act.

However, counsel for the petitioner has relied upon a decision of the Division Bench of this Court rendered in the case of **Gurdeep Singh vs. State of Haryana and others**, CRWP-1374-2017, decided on 07.12.2017, in which it has been held that if there is no allegation of misuse of the mobile phone, found in possession of a convict inside the jail premises, then the said convict cannot be categorized as a “hardcore prisoner”.

After hearing learned counsel for the parties and examining the available record, though I am of the considered opinion that the petitioner cannot be categorized as a “hardcore prisoner” for having a cell phone in his possession inside the jail premises in view of the law laid down by this Court in **Gurdeep Singh's case (supra)**, yet he cannot be released on agricultural parole because at present, no agricultural work is going on in the fields, as alleged by the petitioner, and the cause shown by the petitioner appears to be a lame excuse for seeking the concession of parole.

In view of the above, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 28, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No