

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

CWP No.17510 of 2018

Date of decision: September 28, 2018

Sumit

...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. Saurabh Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner has challenged the order dated 09.07.2018, by which his application for grant of parole has been declined.

In brief, the petitioner is suffering life imprisonment inflicted upon him on 16.08.2017 by the Additional Sessions Judge, Gurugram in a case registered vide FIR No.446 dated 21.11.2013, under Sections 302/307/323/324/148 IPC and 25 of the Arms Act, 1985 at Police Station Badshahpur, Gurugram. He had applied for grant of parole for enabling him to get his children admitted in school. However, his application has been declined on the ground that the petitioner has been found in possession of a mobile phone, for which a case was registered against him vide FIR No.217/17, under Section 42 of the Prisons Act, 1894 at Police Station Bhondsi, Gurugram, in which the petitioner has been awarded punishment of one month. Thus, according to the respondents, the petitioner has fallen in the category of "hardcore prisoner" in terms of Section 2(aa)(iv) of the Haryana

Good Conduct Prisoners (Temporary Release) Amendment Act, 2013 (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 this Court has 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 parole because at present, no admissions are going on in the schools and the petitioner has not shown any emergent reasons for which he has to admit his children in the school in the mid-session. Therefore, the cause shown by the petitioner appears to be a lame excuse for availing 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