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

**CWP No.17777 of 2018
Date of decision:13.08.2018**

Ranjit alias Suba

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner is in District Jail, Faridabad, who was convicted and sentenced for life imprisonment by the Additional Sessions Judge, Bhiwani on 10.05.2011 in a case registered vide FIR No.155 dated 13.04.2010, under Sections 460, 216 and 120-B IPC at Police Station Sadar, District Bhiwani. Criminal Appeal No.D-734-DB of 2011 filed by the petitioner against the order of his conviction and sentence has been dismissed by this Court on 27.03.2018. Now the petitioner intends to file further appeal before the Supreme Court and has prayed for his release on parole for the said purpose. The application filed by the petitioner has been declined by the Divisional Commissioner, Faridabad on 29.06.2018 on the ground that the reason assigned by the petitioner is not covered by Section 3(1)(d) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter referred to as the "Act").

Counsel for the petitioner has submitted that Section 3(1)(d) is an omnibus provision for seeking release on parole after showing sufficient cause but at the same time, he has apprised the Court about Rule 8 of the Haryana Good Conduct Prisoners (Temporary Release) Rules, 2007 (hereinafter referred to as the "Rules") which lays down the "sufficient cause" in view of Sections 3(1)(d) and 10(2)(d) of the Act. It is submitted that though the reason

for seeking parole to engage a counsel to defend himself by way of filing an appeal is not specifically mentioned as a sufficient cause in the Rules but the petitioner has a right to defend himself, to prove his innocence, by way of filing an appeal and that right cannot be taken away from him because it is a constitutional remedy as provided under Article 136 of the Constitution of India.

Learned State counsel submits that an enquiry was made by the police of Police Station Kichcha, District Udham Singh Nagar, Uttarakhand from the wife of the petitioner as to whether any appeal is to be filed by the petitioner, to which she has shown her ignorance.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the petitioner has a right to defend himself against the order(s) of his conviction and sentence passed by the trial Court as well as the Appellate Court by filing a SLP before the Supreme Court. Therefore, in my considered opinion, this would also constitute a “sufficient cause”, as defined under Section 3(1)(d) of the Act.

In view of the above, the present petition is hereby allowed and the respondents are directed to release the petitioner on parole for 3 weeks for the purpose of filing appeal before the Supreme Court against the order of his conviction and sentence. Since the petitioner belongs to Uttarakhand, therefore, in order to procure his presence after completion of his period of parole, the respondents may direct the petitioner to furnish two heavy sureties.

August 13, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No