

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21096 of 2018

Date of decision: September 25, 2018

Shyam Singh

...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 is in District Jail, Karnal, suffering life imprisonment and has completed 10 years of sentence as of now. He has sought parole for agricultural purpose. His application has not been considered and therefore, he has approached this Court.

In the reply, the respondents have averred that the petitioner has been involved in other cases also. The detail of such cases is given in para 5 of the reply. However, it appears that the petitioner has been acquitted in FIR No.17/2010 registered under Sections 147/149/307/302/120-B IPC at P.S.Rewari, FIR No.371/2013 under Section 42 of Prisons Act is registered at P.S.Bhondsi and in rest of the three FIRs, which pertains to jail offence, he is on bail. According to the respondents, the petitioner is a hardcore prisoner, as provided in Section 2(aa)(iv) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, which says that a prisoner using cell phone or found in possession of cell phone/SIM Card inside the jail premises would be a hardcore prisoner. In this regard, counsel for the petitioner has relied upon a

Division Bench judgment of this Court rendered in the case of ***Gurdeep Singh Versus State of Haryana and others Crl.W.P. No.1374 of 2017 decided on 7.12.2017*** in which it has been held that if a convict is found in possession of cell phone inside the jail premises but there is no allegation that he has misused the same for demanding ransom or kidnapping etc. then he cannot be deprived of parole. There is no such allegation against the petitioner.

In view of the aforesaid facts and circumstances, the present petition is allowed and the petitioner is directed to be released on parole for three weeks on his furnishing bail bonds to the satisfaction of District Magistrate Rewari, who is further directed to impose the necessary conditions so as to ensure his return to the jail after the parole period is over.

September 25, 2018
Meenu

(Rakesh Kumar Jain)
Judge

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