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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-22267-2018 (O&M)  
Date of decision : 27.11.2018

**Anil Kumar**

**..... Petitioner**

**Versus**

**State of Haryana and others**

**..... Respondents**

**CORAM : HON'BLE MR. JUSTICE KULDIP SINGH**

Present:- Mr. K.P.S. Virk, Advocate for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

**KULDIP SINGH J. (ORAL)**

Heard.

Petitioner seeks parole four weeks parole for agriculture operations under Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

It comes out that petitioner was convicted under Section 363, 376 (2) (g)/506/216 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for 14 years and to pay a fine of Rs. 1.00 lacs, vide judgment of conviction and order of sentence dated 9.5.2014 passed by learned Additional Sessions Judge, Panipat.

Petitioner moved an application before the Superintendent of Prison, District Prison, Karnal, who vide order dated 2.5.2017 (Annexure P-1), rejected the parole application of the petitioner saying that he duly considered the application as he has not completed five years after conviction.

I am of the view that approach of the Superintendent of Prison, District Prison, Karnal is erroneous and illegal. Whenever, an application is filed, he has to attach the role of the convict and forward the same to the competent authority which in this case is the Commissioner of police of the said division. It is only the Commissioner of the Police which can pass the final order taking into consideration the recommendations of the Superintendent of Prison and the recommendations of the police and the rules.

It being so, present petition is allowed and the Superintendent of Prison, District Prison, Karnal is directed to forward the application of the petitioner for grant of parole of four weeks to the competent authority along with his recommendations and the competent authority is directed to decide the same within four weeks from the date of receipt of certified copy of this order.

Disposed of accordingly.

**(KULDIP SINGH)**  
**JUDGE**

**27.11.2018**

*preeti*

Whether speaking / reasoned  
Whether Reportable:

Yes  
No