

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.3544 of 2018
Date of Decision: 23.02.2018

Sonu alias Pradeep

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.T.P.S. Bhatti, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner is a convict. He is suffering life imprisonment for the offence committed under Sections 302 read with Section 34 of the Indian Penal Code [for short 'the IPC'], 7 years Rigorous Imprisonment for the offence committed under Section 307 read with Section 34 of the IPC, 3 years Rigorous Imprisonment for the offence committed under Section 25 & 27 of the Arms Act, 1959 and is lodged in District Jail, Jhajjar. The appeal bearing CRA-D-443-DB-2016 against his conviction and sentence dated 30.3.2016 is pending adjudication and he has completed 4 years and 8 months actual sentence. He had filed CRWP No.769 of 2017 for seeking parole for his marriage which was allowed by this Court vide order dated 28.7.2017. Thereafter he applied for parole for a month to perform his conjugal rights and since parole was not granted, filed CRWP No.1038 of 2017, which was disposed of by the Division Bench of this Court on 8.9.2017 with the following order:

“Through instant petition under Article 226 of the Constitution of India, the petitioner seeks a direction to the respondents to release the petitioner on parole for one month but counsel for the petitioner has not been able to satisfy this Court regarding the entitlement of the petitioner under the relevant rules to get the concession of parole. No direction, in view of said circumstances, can be issued at this stage.

The petition is dismissed with an observation that the decision taken on representation Annexure P-3 of the petitioner for parole will be communicated by respondent No.3 to the petitioner.”

Although it is mentioned in the petition that the decision taken on representation of the petitioner for parole has not been communicated to him yet a prayer has been made for grant of parole for one month for performing the conjugal rights.

Learned counsel for the petitioner has referred to a decision of Madurai Bench of Madras High Court in the Habeas Corpus Petition No.1837 of 2017 titled as ***“Mrs. Meharaj Vs. The State represented by its Secretary to Government of Tamil Nadu and others”*** decided on 11.1.2018 in support of his submissions.

I have heard learned counsel for the petitioner and after perusal of the record, am of the considered opinion that the petitioner is not entitled to the relief he has prayed for because he had earlier also approached this Court for the same relief by way of CRWP No.1038 of 2017 in which direction was not issued by this Court because the petitioner had failed to satisfy the Court regarding his entitlement under the relevant rules. The Division Bench, however, while dismissing the petition observed that the representation made by the petitioner attached with CRWP No.1038 of 2017 (Annexure P-3) for parole be decided and the decision be communicated to the petitioner. If the decision is not communicated to the petitioner then it is the violation of the order passed by this Court for which the petitioner has the remedy of filing contempt petition and cannot be allowed to file the same petition again.

With these observations, the present petition is hereby dismissed.

23.02.2018

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No