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

**CWP No.3735 of 2018 (O&M)
Date of decision: 17.08.2018**

Mohammad Sharif ...Petitioner

Versus

State of Punjab and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Nandal Jindal, Advocate,
for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

Rakesh Kumar Jain, J.

The petitioner, a life convict and presently lodged in District Jail, Sangrur, has applied for 6 weeks' parole for house repair.

In the reply filed by the respondents, they have appended the order of the District Magistrate, Sangrur, based upon the report of the SHO, Police Station City, Maler Kotla, by which request made by the petitioner has been declined.

Learned State counsel has submitted that since the petitioner has been convicted for the offence committed under Section 302/376A IPC, therefore, he would fall within the definition of "hardcore prisoner" in view of Section 2(aa) Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 1962 (hereinafter referred to as the "Act") and, thus, he is not entitled for seeking parole under Section 3 of the Act.

In order to support his contention, counsel for the petitioner has referred to a decision of this Court rendered in the case of **Ram Chander vs.**

State of Punjab and others, 2017(3) R.C.R. (Criminal) 340 and a Division Bench judgment of this Court rendered in the case of **People's Union for Civil Liberties vs. State of Haryana and another,** 2014(3) PLR 79.

On the other hand, counsel for the respondents has submitted that the petitioner is a hardcore prisoner and is not entitled to file an application under Section 3 of the Act as the application has to be filed by the hardcore prisoner under Section 5A of the Act.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that there is no merit in the present petition as the application filed under Section 3 of the Act is not maintainable on behalf of the petitioner being a hardcore prisoner as he has to file the application for grant of parole under Section 5-A of the Act while complying with the other terms and conditions. Moreover, both the decisions, relied upon by the counsel for the parties, are not applicable to the facts of this case.

In view of the above, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

August 17, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No