

CWP No.5455 of 2018 (O&M)

[1]

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

**CWP No.5455 of 2018 (O&M)
Date of decision:04.04.2018**

Sagar Chohan

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

**Present: Mr. Ravinder Bangar, Advocate,
for the petitioner.**

Rakesh Kumar Jain, J. (Oral)

The petitioner, a life convict, who is presently confined in the District Jail, Yamuna Nagar, has applied for parole for admission of his daughter in 6th class.

Before filing the present petition, the petitioner had applied for parole to the Superintendent of Jail, Yamuna Nagar but since his application was not decided in one way or the other, therefore, the present petition has been filed.

After notice, respondents have filed their reply in which it is averred that the petitioner has been convicted and sentenced to undergo six months simple imprisonment and to pay a fine of ₹500/- in case FIR No.401 dated 23.11.2011, registered under Sections 8/9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, at Police Station Baldev Nagar on 01.10.2013 by the Court of Danish Gupta, JMIC, Ambala because the petitioner had absconded from parole for one month and twenty eight days. It is further submitted that the petitioner falls within the definition of "hardcore prisoner" in terms of Section 2(aa)(i)(2) of the Haryana Good Conduct

Prisoners (Temporary Release) amended Act, 2013 as he has committed the offence under Sections 395, 396 and 397 IPC. The petitioner was also released on 4 weeks' parole for the admission of his child and was directed to surrender at jail gate on 07.10.2017 but at that time, he was found in possession of a mobile phone concealed in his socks and cash amount of ₹5,000/- concealed in his underwear. The petitioner had again violated the Parole Rules/discipline of the jail and another FIR No.1489 dated 09.10.2017, registered under Sections 42-A of the Prisons Act, 1894, at Police Station City Jagadhri.

Counsel for the petitioner, however, submits that the petitioner had absconded from parole 5 years back for which he had already been punished for 6 months simple imprisonment and fine of ₹500/-.

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the fact that the petitioner has violated the terms and conditions on which he was released on parole in the past as he had absconded for a period of one month and 28 days and, thereafter, he brought into jail a mobile phone concealed in his socks and cash amount of ₹5,000/- concealed in his underwear, for which another FIR No.1489 dated 09.10.2017 was registered against him, dis-entitles him for the concession of parole.

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

April 04, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No