

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

CWP-5836-2018 (O&M)

Date of decision : 2.11.2018

Dinesh

..... Petitioner.

Versus

State of Haryana and others

..... Respondents.

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amit Khatkar, Advocate for the petitioner.

Mr. Amrik Narwal, 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.

Present writ petition filed under Article 226/227 of the Constitution of India for setting aside the impugned order dated 14.12.2017 (Annexure P-1) passed by Superintendent, Central Jail-1, Hisar whereby the request of the petitioner for grant of parole for house repair was rejected.

It comes out that previously the petitioner was released on parole on 21.4.2008 and was required to surrender on 20.5.2008. But the petitioner jumped the parole and remained absent for more than six years. He was arrested on 25.9.2014 by the police.

In the meanwhile, amended Act i.e., Haryana Good Conduct Prisoners (Temporary Release) Act, 2012 came into force w.e.f. 3.10.2013 by virtue of which Section 2AA (v) was included in which the person who jumped the parole was included in the definition of hardcore criminals.

Present request of the petitioner has been declined on the ground that he is a hardcore criminal and has not completed five years and

was arrested by the police on 25.9.2014.

Learned counsel for the petitioner has argued that amendment is always prospective and cannot be given retrospective effect. Assuming that amendment is to be given prospective effect, the amendment came into operation when the petitioner was still absconding on 3.10.2013 and when the offence was continuing. The petitioner was arrested only on 25.9.2014 by the said time, amendment had come into operation. Therefore, the petitioner is covered by the said amendment. Even otherwise, petitioner remained absent for six years and police arrested him on 25.9.2014 with great difficulties. Therefore, apprehension of the authorities that he may again jump the parole is genuine.

There is no illegality or infirmity in the impugned order dated 14.12.2017 (Annexure P-1) passed by Superintendent of Jail, Central Jail, Hisar.

Dismissed accordingly.

(KULDIP SINGH)
JUDGE

2.11.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No