

CWP No.7343 of 2018

[1]

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

**CWP No.7343 of 2018
Date of decision:02.04.2018**

Chander Pal @ Sonu

...Petitioner

Versus

The State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. H.S.Jaswal, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Rakesh Kumar Jain, J. (Oral)

The petitioner, a life convict, is lodged in the District Jail, Rohtak w.e.f. 30.11.2017. He was earlier released on 6 weeks' agricultural parole from the District Jail, Gurgaon w.e.f. 14.10.2017 to 26.11.2017 but he was lodged in the District Jail, Rohtak on 29.11.2017 as under-trial in fresh case registered vide FIR No.597 dated 27.10.2017, under Sections 307/506/34 IPC read with Section 25/54/59 of the Arms Act, Police Station Sampla, Rohtak. It is pertinent to mention that the petitioner was released on interim bail on 02.06.2016 with a direction to surrender at jail gate on 16.06.2016 at 9:30 am but he surrendered after 3 days overstay on 19.06.2016. There are two more criminal cases registered against the petitioner vide FIR No.233 dated 06.06.2016, under Section 25/54/59 of the Arms Act, at Police Station Sampla, Rohtak and FIR No.238/2015 dated N/A, under Section 25/54/59 of the Arms Act, at Police Station Sadar Bahadurgarh, Jhajjar. He has been granted bail in

the aforesaid two FIRs on 24.04.2017 and 25.04.2017 respectively. The petitioner has now made an application on 10.03.2018 for grant of parole for attending the marriage of his sister's son, which is fixed for 3rd & 4th April, 2018.

Counsel for the petitioner has submitted that the petitioner is the only brother of his sister and being Mama (maternal uncle) is required to attend the marriage and has referred to Section 3(1)(d) of the Haryana Good Conduct Prisoner's (Temporary Release) Act, 1988 (hereinafter referred to as the "Act") read with Section 3(1)(b) of the Act requesting for grant of 4 weeks parole.

On the other hand, counsel for the respondents has submitted that as per their verification, the marriage is no doubt is fixed on 3rd and 4th April, 2018 but the petitioner does not deserve the concession of parole in terms of his past conduct as not only he overstayed the interim bail but also committed an offence while on parole between 14.10.2017 to 26.11.2017 as one FIR No.597 dated 27.10.2017 was registered against the petitioner and he was lodged in the jail as an under-trial in the fresh FIR case.

I have heard learned counsel for the parties and examined the available record with their able assistance.

No doubt that the petitioner has a right to apply for the parole in terms of Section 3(1)(b) of the Act to attend the marriage of his sister's son for which he can make a prayer for grant of parole for 4 weeks. There is also no doubt that as per verification by the respondents, the marriage of the sister's son of the petitioner is fixed for 3rd and 4th April, 2018 at village Baroda, District Sonapat but the past conduct of the petitioner cannot be ignored. The petitioner was granted interim bail on 02.06.2016 with a direction to surrender

on 16.06.2016 but he overstayed the interim bail for 3 days and surrendered on 19.06.2016. Similarly, he was granted 6 weeks' agricultural parole while he was lodged in District Jail, Gurgaon from 14.10.2017 to 26.11.2017 but he committed serious offence under Sections 307/506/34 IPC read with Section 25/54/59 of the Arms Act and was admitted to the District Jail, Rohtak in the fresh FIR case.

Thus, keeping in view the past conduct of the petitioner, I am of the considered opinion that the petitioner does not deserve concession of parole and as such, the present petition is hereby dismissed, though without any order as to costs.

April 02, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No