

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9631 of 2018

Date of decision: 7.5.2018

Sandeep

..Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr.R.K.Bangar, Advocate for the petitioner.

Mr.Vishal Garg, Addl.AG Haryana.

Rakesh Kumar Jain, J.

The petitioner is a life convict and is presently lodged in Jagadhari Jail, District Yamuna Nagar. He has applied for parole for a period of four weeks for house repair. The petitioner has also appended photographs of his house, which is sought to be repaired.

It is averred in the reply filed by the respondents that the petitioner was found in possession of a mobile phone alongwith charger during search in jail on 24.9.2014 and a case vide FIR No.665 dated 24.9.2014 under Section 42 of Prisons Act, 1894, P.S.City Jagadhari was registered against him. The petitioner was kept in separate confinement for 10 days which was judicially appraised by the District and Sessions Judge, Yamuna Nagar vide order No.948 dated 28.10.14. It is further alleged that the petitioner falls under the category of "Hardcore prisoner" as defined in Haryana Good Conduct Prisoners' (Temporary Release) Amended Act, 2013 (for short the Act).

In reply, counsel for the petitioner has submitted that the

petitioner has already been acquitted in the said case which was registered vide FIR No.665 dated 24.9.2014 by the Court of Judicial Magistrate Ist Class on 16.9.2017.

Counsel for the State has further submitted that as per the information gathered, there are so many persons in the family of the petitioner, namely, his father Ram Singh, his elder brother Vijaypal, nephew Nitesh and younger brother Kuldeep. It is also mentioned that house which is not being repaired but constructed, is at the fag end of the construction. Therefore, it is submitted that prayer of the petitioner for parole on the ground of repair of the house has become infructuous.

Counsel for the petitioner, however, submits that the petitioner has not availed any parole so far and the house has not been fully constructed.

After hearing the learned counsel for the parties and keeping in view the facts and circumstances, I am of the considered opinion that the prayer made by the petitioner for seeking parole for four weeks on the ground of repair of house cannot be allowed because house is near completion for which petitioner is not required at all.

At this stage, counsel for the petitioner prays for withdrawal of the petition.

Dismissed as withdrawn.

May 7, 2018
Meenu

(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No