

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

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**CWP No. 1336 of 2019 (O&M)
Date of decision: 25.02.2019**

Sumit

..Petitioner

Vs.

State of Haryana and Others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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

Mr. Ramesh K. Ambavta, AAG, Haryana.

HARINDER SINGH SIDHU, J.(ORAL)

The petitioner had earlier filed CWP No. 26399 of 2018 titled as 'Sumit Vs. State of Haryana and Others assailing the order dated 20.10.2018 of the Superintendent, District Jail, Gurugram declining his application for parole on two grounds:-

- (i) That a mobile phone was recovered from the petitioner.
- (ii) That the petitioner quarreled with other co-prisoners and committed jail offence, for which one month punishment of separate confinement was awarded.

The said petition was disposed of vide order dated 12.11.2018. The impugned order dated 20.10.2018 was set aside. The respondents were directed to take a final decision on the parole application of the petitioner, ignoring the ground of recovery of mobile phone and punishment awarded for quarrelling with co-prisoners. Pursuant thereto, the Commissioner, Gurugram Division, Gurugram passed a speaking order dated 20.12.2018, Annexure P-1, which has been assailed in the present

petition. The parole case of the petitioner has been declined again on the ground that a mobile phone was recovered from the petitioner and he falls in the category of Hardcore prisoner. This despite the fact that vide order dated 12.11.2018 in CWP No. 26399 of 2018 it had been specifically directed that recovery of mobile phone would not be taken into consideration while deciding the parole application.

Faced with the aforesaid, learned counsel for the respondents states that the respondents will reconsider the case of the petitioner strictly in compliance of the directions earlier issued in CWP No. 26399 of 2018 on 12.11.2018.

Accordingly this petition is allowed. Impugned order is set aside. The respondents may re-consider the case for grant parole to the petitioner within one week.

(HARINDER SINGH SIDHU)
JUDGE

February 25, 2019
Poonam Sharma

Whether speaking/reasoned:Yes/No

Whether Reportable:Yes/No