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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/05/2019 12:43
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CWP-3458-2019 (O/M)

Date of decision : 24.5.2019

Shyam Singh

..... Petitioner (s)

Versus

State of Haryana and others

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. Sandeep Vashisht, DAG Haryana.

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-:-

KULDIP SINGH, J. (ORAL)

Heard.

Petitioner has impugned order dated 25.1.2019 (Annexure-P-1), passed by Commissioner, Karnal Division, Karnal, vide which parole of petitioner for six weeks for agriculture operations was declined on the ground that he falls in category of hardcore prisoner as he was found in possession of mobile phone in jail.

Heard. Reply already filed by State. Four cases are pending against petitioner. State in reply has taken same objections and mentioned details of FIRs which shows that three cases under Section 42 of Prison Act are pending, in which petitioner is on bail. In said cases, no findings have come so far that petitioner was found in possession of mobile phone. Other case is for trespass and theft. Since findings have not come that petitioner was found in possession of mobile phone, there, at this stage, he cannot be treated as hardcore prisoner. As such, impugned order is set aside. Petitioner is ordered to be released on parole on his furnishing adequate surety to the satisfaction of District Magistrate, Rewari. Petition is allowed.

(KULDIP SINGH)
JUDGE

24.5.2019

sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No