

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 5433-2019(O&M)

Date of decision: 04.04.2019

Uma Kant

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Ravinder Bangar, Advocate for the petitioner
Mr.Sandeep Vashisht, DAG Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Petitioner has filed this writ petition under Articles 226/227 of Constitution of India seeking parole for four weeks for admission of his children. It is stated that he had filed a representation dated 15.2.2019 before Superintendent Jails but the same has not been decided.

Petitioner was convicted to undergo RI for 7 years under Section 392 read with Section 397 IPC and also sentenced to undergo Rigorous Imprisonment for two years under Section 25 of the Arms Act in addition to fine vide judgment of conviction and order of sentence dated 21.1.2016 passed by learned Sessions Judge, Ambala.

It is stated that the petitioner approached respondent No.4-Superintendent, Central Jail, Ambala vide representation dated 15.2.2019 for grant of parole for admission of his children but the same is pending

before respondent no.4.

In reply, it is stated that the petitioner was orally informed that he falls in the category of Hard Core Prisoner as per Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013 and his case cannot be considered at this stage.

State has further taken a stand that 9 cases are pending against the petitioner. Further, in 4 cases, he has been convicted and in 3 other cases, he has been acquitted. It is further stated that the petitioner falls in the category of Hard Core Prisoner as on the night of 25/26.11.2016, while returning from Peshi, his search was conducted and 6 mobile phones were recovered from the bag of the petitioner.

I have heard learned counsel for the parties and have also carefully gone through the file.

Perusal of the reply shows that the petitioner is involved in 9 other cases, out of which, 7 are of same or similar category. All these cases pertain to the year 2014. He has been convicted in 3 other cases registered in the year 2013. Moreover, 6 mobile phones were recovered from the petitioner and the petitioner falls in the category of Hard Core Prisoner.

I am of the view that if the petitioner is released, he will either abscond or will indulge in similar crime. There is no ground to grant parole.

Resultantly, the present petition stands dismissed.

04.04.2019

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No