

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

CWP-8361-2019 (O&M)

Date of decision : 10.4.2019

Mayank Chaudhary

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Susheel Gautam, Advocate for the petitioner.

Mr. Sandeep Vashisth, DAG, Haryana.

KULDIP SINGH, J.

Heard.

It comes out that petitioner who is a convict in case FIR no. 105 dated 6.3.2013, under Sections 302, 120-B and 34 of the Indian Penal Code and Sections 25, 54 and 59 of the Arms Act, registered at PS Palam Vihar Gurgaon District, Gurgaon has applied for four weeks parole to attend the marriage of his sister which is fixed for 20.4.2019. But the same has been rejected vide order dated 12.3.2019 (Annexure P-1), passed by Superintendent of Jail, District Jail, Karnal on the ground that a mobile phone was recovered from the petitioner and the petitioner falls under the category of hardcore prisoner as per the Rules of Haryana Good Conduct Prisoners (Temporary Release) Act, 2012 and amendment of 2015 Rules.

Learned State counsel submits that mobile phone was recovered from the petitioner twice. In those cases petitioner stands convicted and another case regarding recovery of mobile phone is pending.

The authority contained in *CWRP-1374-2017*, titled as '*Gurdeep Singh vs. State of Haryana and others*' relied upon by learned counsel for the petitioner is not applicable in this case as it is not a mere recovery of mobile phone but he stands convicted twice for the said offence.

Since the petitioner has not completed five years of imprisonment, the petitioner as hardcore prisoner is not entitled to parole.

Dismissed.

(KULDIP SINGH)
JUDGE

10.4.2019
preeti

Whether speaking / reasoned	Yes/No
Whether Reportable:	Yes/No