

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 16.11.2019****CWP No.16659 of 2019**

Titri & another

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Nandan Jindal, Advocate, for the petitioner.

Ms. Anu Pal, DAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

Having heard learned counsel for the parties and considering the provisions of law, I am of the view that the petitioners, who are in jail for rape and murder, are not entitled to parole. It is not a vested right. It is a concession granted by the Government to temporarily release the prisoner on parole or on furlough. However, nobody can insist that he is entitled to the same as a matter of right. Regarding 'hardcore prisoner', State has to consider all facts and circumstances as well as law prevailing at the time of consideration of application for parole or furlough and not from the date when the crime was committed, as is the law stated by Division Bench of this Court in Vakil Raj Vs. State of Haryana & others, 2016 (2) RCR (Criminal) 1040. Even though the petitioners were earlier released on furlough/parole 18-19 times, but in view of the amendment, their case falls under the category of 'hardcore prisoner'. Therefore, the respondents were justified in refusing to release the petitioners on parole.

Consequently, I find no ground to issue any direction/s to the respondents to release the petitioners on parole and would dismiss the petition.

16.11.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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