

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 31.10.2019****CWP No.17637 of 2019**

Ram Bilas

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

Mr. Saurabh Mohunta, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. In compliance of the order dated 11.09.2019, Jai Kishan Chillar, Superintendent, District Jail, Gurugram has appeared and filed his affidavit, which is taken on record. The contents have been perused and particularly from pp.12 onwards, which is a list of parole/furlough applications of the convicts lodged in Bhondsi Jail with effect from August, 2018 till date, as was directed to be disclosed. The list contains details of 392 convicts who moved applications for parole/furlough from time to time within the requisite period either for house repair, agricultural purpose, school admission etc. In all those cases, I find from Columns 3 & 5 i.e. the date on which parole/furlough application is received and the date of dispatch by the Jail Authorities to the District Magistrate/Commissioner respectively, that the applications were processed/forwarded to the competent authorities in less than 5 days which is within the norms fixed. There is consequently no violation of the instructions issued by the Director General of Police (Prisons), Haryana dated 15.12.2016 making a time line

for decision making by assigning 5 days to the Jail Superintendent/s, 21 days to the District Magistrate/s and 10 days to the Divisional Commissioner to decide parole and furlough applications. The Court is satisfied with the affidavit filed today which allays any suspicion or distrust.

2. This Court also notices that in the cases filed in this Court in parole matters coming up on a daily basis, it is usually pleaded that application/representations have been made for parole/furlough, but more often than not, copies of those applications are not attached with the petitions. To ensure that the application/representation had been actually moved by convicts for parole/furlough, Mr. Chhillar agrees with the Court suggestion that at the time of signing/thumb marking of vakalatnama in the jail premises for engaging counsel to represent them in the High Court, a photocopy of the representation/application seeking parole/furlough must bear second thumb impressions of the convict on the photo copy of the application/representation duly attested by the Deputy Superintendent of Jail as an acknowledgment of receipt of application by the convict which should be stapled with the vakalatnama/ power of attorney and the same handed over to the convict there and then. Once the convict has thumb marked the copy of the original application/representation again in the presence of the Deputy Superintendent, a photocopy of the same be handed over to him/her, so that the Court sees the typed copy of the application in his/her hand, matches with the application stapled with the vakalatnama. They should also be advised to supply both the documents to their parokar/counsel for filing petitions in Court otherwise they may not be entertained. This would take care of farzi applications and establish the date of receipt and for Court to

know the grounds taken as the cases come up for preliminary hearing, when not filed against final orders rejecting the request for parole/furlough.

3. Thus, the Registry is directed not to entertain any petition seeking parole/furlough from 02.12.2019 onwards unless it is accompanied by the application/representation moved before the Jail Authorities duly stapled/attached with the vakalatnama.

4. Now coming to the merits of the case, I have heard Mr. Ravinder Bangar and Mr. Saurabh Mohunta and with their assistance gone through the factual narration in the affidavit regarding the application moved by the wife of the petitioner in May 2019 during operation election code of conduct; passing of order rejecting the request for parole/furlough etc. Those facts need not to be mentioned in this order as I am of the view that the petition has to be dismissed as no case for grant of parole is made out. The petitioner has been convicted for a heinous crime of murder and has been in jail for the last 7 years and his wife sought parole for admission of children. Neither is it the admission season nor is it the case that the petitioner has an offer of admission and his presence is required to complete the formalities.

6. Consequently, the petition stands dismissed at this stage.

7. Copy of this order be circulated to all the Superintendents (Jail) in the State of Haryana through the office of the Director General of Police (Prison), Haryana for necessary compliance of the observation/directions made above.

31.10.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No