

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 20.09.2019****CWP No.20126 of 2019**

Sandeep Singh

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Meera, Advocate, for the petitioner.

Ms. Anu Pal, DAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner has sought quashing of order dated 07.12.2018, whereby parole of the petitioner has been declined on the ground that he falls under the definition of 'hardcore prisoner'.

The petitioner is undergoing life imprisonment under Sections 363, 366-A, 376 & 302 IPC in case FIR No.82 of 22.10.2012 registered at Police Station Maur, District Bathinda pursuant to the orders passed by the Sessions Judge, Bathinda on 10.09.2014.

Learned counsel for the petitioner has vehemently argued that before the amendment (in 2016) was made in Punjab Good Conduct Prisoners (Temporary Release) Act, 1988, the petitioner was released on parole for 03 times. He never misused the parole and that he never committed any jail offence and his conduct in the jail is good. She further argued that the said amendment cannot effect retrospectively, as the petitioner was convicted way back in the year 2014.

On the other hand, Ms. Anu Pal submits that since the petitioner falls in the category of 'hardcore prisoner', he cannot be released on parole.

Having heard learned counsel for the parties and considering the provisions, I am of the view that the petitioner is 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 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 petitioner was earlier released on 03 times on parole, but in view of the amendment, his case falls under the category of 'hardcore prisoner'. Therefore, the respondents were justified in refusing to release the petitioner on parole.

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

20.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>