

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1985-2018 (O&M)

Date of decision : 11.01.2019

Satish @ Shishu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Jagjot Singh Lalli, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Petitioner seeks quashing of the impugned order dated 27.9.2017 (Annexure P-4) passed by Deputy Superintendent, District Jail, Karnal whereby application dated 12.5.2017 moved by mother of the petitioner for parole of six weeks for repair/construction of the house was rejected.

It comes out that petitioner was convicted and sentenced to undergo life imprisonment under Section 6 of the Protection of Children from Sexual Offences Act, 2012 by learned Additional Sessions Judge cum Special Court, Karnal vide judgment of conviction and order of sentence dated 5.4.2017.

In the reply filed on 25.11.2018, State has taken the stand that

petitioner is a hard core prisoner, therefore, he cannot be released on parole,

unless he completes 5 years of imprisonment including under trial period of 02 years under the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015. However, the impugned order dated 27.9.2017 (Annexure P-4) shows that it was passed by Deputy Superintendent, District Jail, Karnal who is not competent to decline the parole application filed by/or on behalf of the petitioner. The same has to be decided by Commissioner of the concerned division and not by the Deputy Superintendent, District Jail, Karnal. At the most, Deputy Superintendent, District Jail, Karnal could make recommendations which are to be considered by the appropriate authority.

In view of above, present petition is allowed and the impugned order dated 27.9.2017 (Annexure P-4) passed by Deputy Superintendent, District Jail, Karnal is set aside. Deputy Superintendent, District Jail, Karnal is directed to forward the application dated 12.5.2017 moved by the mother of the petitioner along with the recommendations to the appropriate authority, which shall take decision as per law on the same within the time frame fixed by the Government of Haryana.

(KULDIP SINGH)
JUDGE

11.01.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No