

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

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**CWP No. 28830 of 2018
Date of Decision : 20.5.2019**

Kuldeep Singh alias Balkar Singh

.....Petitioner

v.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. R.S. Dhull, Advocate, for the petitioner
Mr. Sandeep Vashisth, DAG, Haryana

KULDIP SINGH, J. (Oral)

Copy of judgment filed by the petitioner and custody certificate filed by the State, are taken on record.

Heard.

Impugned in the present petition under Articles 226/227 of the Constitution of India is the speaking order dated 19.5.2017 (Annexure P-1), passed by the Superintendent, District Jail, Sonapat, vide which the parole of the petitioner for the purpose of admission of his children in school, was declined. It is also prayed that his application dated 17.10.2018, vide which he has prayed for 6 weeks parole for agricultural purpose, moved before respondent No.4, should also be considered.

Facts of the case are that the petitioner was convicted for offences punishable under Sections 302, 323, 324 read with Section 149, 447 and 418 IPC. As per the custody certificate, the petitioner has undergone the total sentence of 6 years, 10 months and 15 days. It is not denied that earlier he was also granted parole for 4 weeks.

The State in the reply has taken the stand that the petitioner was booked in 6 cases, mentioned in the reply and that a SIM card was also recovered from him on 7.10.2013 and the action of the Jail Superintendent was justified. The petitioner is a hard core prisoner and has not undergone 5 years sentence after conviction.

I have heard learned counsel for the parties.

Learned counsel for the petitioner contends that the petitioner was acquitted in a case for recovery of SIM, which is not disputed by the State counsel. The petitioner was not convicted under Section 395 IPC though he was convicted under Section 302 IPC. Therefore, he does not fall in the category of hard core prisoners.

The perusal of the impugned order shows that parole was declined only on the ground that SIM was recovered from him and he is a hard core prisoner. Therefore, the same cannot be taken a ground for treating him a hard core prisoner. It being so, the impugned order is set aside. The petitioner is ordered to be released on parole for 4 weeks for the admission of his children. The same period can also be utilized by the petitioner for agricultural purpose as the admission of the children will take only a few days. Therefore, the application dated 17.10.2018 (Annexure P-2) shall also stands disposed of. The petitioner be released on furnishing of adequate security to the satisfaction of District Magistrate concerned.

The petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

20.5.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No