

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 24.10.2019****CWP No.30806 of 2019**

Nirmal Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Ms. Monika Tanwar, Advocate,
for the petitioner.**RAJIV NARAIN RAINA, J. (ORAL)**

1. Notice of motion.
2. On the asking of the Court, Mr. Saurabh Mohunta, DAG, Haryana, accepts notice on behalf of the respondents and waives service on them. Ms. Tanwar to supply requisite number of paper-books to Mr. Mohunta during the course of the day.
3. During the course of hearing, Mr. Mohunta assures this Court that he will impress upon the Director General of Police (Prisons), Haryana that he will ensure that the authorities under him act promptly while deciding parole/furlough cases in terms of the guidelines and within the time frame fixed and circulated vide instructions dated 30.07.2007 and 09.10.2014. Mr. Mohunta further assures this Court that all the District Magistrates/Deputy Commissioners in the State of Haryana will also be asked to respond with their decision/s well in time in parole/furlough matters and if they feel any difficulty in adhering to those guidelines due to any special facts or to obtain reports from other States, they may record the

reason briefly on file which can always be produced before the Court in case parole/furlough applications came up before it.

4. If the time frame fixed in the aforesaid instructions is adhered to, it would save much time of the Court and the administration and keep away litigation in which final orders have not been passed.

5. This is one of such cases where the parole seeker has approached the Court seeking a direction to the respondents to decide his pending application for parole dated 10.06.2019 preferred under the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (for short 'the Act'), as amended by Act of 2015. When no decision is taken, this Court is constrained to remind the respondents of their duties and obligations in deciding parole matters expeditiously and to this end, this petition is disposed of with a direction to the competent authority amongst the respondents to consider and decide the parole application of the petitioner strictly in a time bound period as designed by the State itself. The final order be conveyed to the petitioner immediately after the decision is made in writing.

6. At this stage, Mr. Mohunta submits that it may well happen that convict's application is per se not maintainable because he may not fulfill the criteria laid down for grant of parole by the State Government and/or does not fit into the prescriptions laid down in the Act, then the authorities may not be compelled to pass orders of rejection. Even in such cases, petitions are filed in the Court taking the ground that application moved by the convict has not been decided and this Court often issues directions for decision on those application/s.

7. Considering the argument of Mr. Mohunta, this Court deems fit to say that in such cases also, the Jail Superintendents can consider communicating brief reason/s for rejection to the convict and his/her acknowledgement taken so that this court can insist at the first hearing production of that reason failing which the convict may have to face the consequences in case he has not brought out true and full facts. Similarly, if the Jail Superintendents derelict in their duty, they may be taken to task as it is for them to act responsibly to the extent of their duties.

8. A copy of this order be sent to the Director General of Police (Prisons), Haryana with a request for helping this Court in preventing litigation brought at the premature stages where the court is left to issue directions to get applications decided within the period specified.

9. A copy of this order be also circulated amongst all the District Magistrate/Deputy Commissioners in the State of Haryana.

24.10.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No