

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

CRWP-3037-2020
Date of Decision:07.05.2020

Bhim Sain

....Petitioner

Vs.

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr.Rahul Deswal, Advocate, for the petitioner.

Mr.Deepak Sabharwal, Addl. A.G. Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

Case taken up through Video Conferencing.

The petitioner has prayed for quashing of the order dated 02.05.2020 (Annexure P-2) by which request made by his brother Krishan Lal s/o Bhagwan Dass, who is confined in Central Jail, Ambala (Haryana), for grant of two weeks emergency parole has been rejected.

Krishan Lal s/o Bhagwan Dass was tried by the Special Judge, CBI in a case arising out of RC 10(S)/2003/SCB/CHD dated 9.10.2003 registered under Sections 302, 120-B of the Indian Penal Code, 1860 and Section of the 29 Arms Act at Police Station CBI, SCB,

Chandigarh and was convicted and sentenced for life on 17.01.2019 and was ordered to pay fine of Rs.55,000/-. Krishan Lal s/o Bhagwan Dass has allegedly challenged that order of conviction and sentence by way of CRA-D-254-2019 which has been admitted and is pending. It is alleged that Kaushalya Rani widow of Bhagwan Dass, mother of the present petitioner and convict Krishan Lal s/o Bhagwan Dass has unfortunately expired on 01.05.2020 and her kriya ceremony is to take place on 13.5.2020. It is an admitted fact that Krishan Lal s/o Bhagwan Dass was not released to attend the funeral of his mother but an application was filed by him to the Superintendent, Central Jail, Ambala for releasing him on two weeks emergency parole has been dismissed by the impugned order dated 02.05.2020. It is also an admitted fact that Krishan Lal s/o Bhagwan Dass is facing trial in another case arising out of RC 8(S)/2003/SCB/CHD dated 9.12.2003 registered under Sections 302, 120-B and 506 of the Indian Penal Code, 1860 at Police Station CBI, SCB, Chandigarh in which he is on bail.

At the outset, the issue regarding the maintainability of the petition, at the instance of Bhim Sain, younger brother of Krishan Lal is raised as to why this petition be not dismissed on the ground of lack of *locus standi* because such type of petition could have been filed only by the convict because no reason has been given in the petition as to why Krishan Lal s/o Bhagwan Dass has failed to file this petition which is otherwise being entertained by this Court in case the convict applies for the grant of parole etc. through Jail.

Counsel for the petitioner has miserably failed to refer to any provision of law or precedent in his favour for maintaining the writ petition on behalf of the convict Krishan Lal s/o Bhagwan Dass, therefore, we do not find any reason to interfere in this petition and the same is hereby dismissed being non-maintainable on the ground of lack of *locus standi* of the petitioner.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

07.05.2020
Vivek