

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

CRWP-5461-2020(O&M)

Date of decision: 13.10.2020

SAMEER NAIN

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Prateek Rathee, Advocate, for the petitioner

Mr. Arun Beniwal, DAG, Haryana

ANIL KSHETARPAL, J. (ORAL)

Through this writ petition filed under Article 226 of the Constitution of India, the petitioner who is serving life sentence has assailed the order dated 11.4.2020 passed by the Commissioner, Hisar Circle declining the benefit of releasing the petitioner on parole on the ground that he is undergoing sentence till his death.

Learned counsel for the petitioner relies upon the order passed in CWP-26346-2019 decided on 14.11.2019 and contends that the High Court while deciding a previous writ petitioner filed by the petitioner challenging the correctness of the similar orders passed, has opined that the petitioner is entitled to grant of parole.

This Court has heard learned counsel for the parties at some length and with their able assistance perused the paper book. It may be noted here that from the reading of the orders Annexure P-1 and subsequent order dated 1.7.2020 Annexure R-P/1 it is apparent that the

effect of judgment passed by this Court in CWP-26346-2019 has not been taken into consideration.

Keeping in view the aforesaid facts and without commenting on merits, it is considered appropriate to direct the Commissioner Hisar Circle to re-consider the request for grant of parole while taking into consideration the effect of judgment passed in the case of the petitioner on 14.11.2019.

In view thereof, the orders dated 13.4.2020 and 1.7.2020 are hereby set aside. The Commissioner, Hisar Circle is requested to re-decide the request made by the petitioner for grant of parole within 10 days from the date of receipt of the certified copy of the order. It is expected that the Commissioner would pass a speaking order while deciding the request of the petitioner.

Disposed of.

13.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No