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

**CRWP No.1218 of 2019
Date of Decision: 18.09.2020**

Baljeet Singh @ Jeeta

.....Petitioner

Vs

State of Haryana and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

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

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.

[1]. The case was taken up for hearing through video conferencing.

[2]. Petitioner has challenged the order dated 08.04.2019 passed by the Commissioner, Faridabad Division, vide which prayer for grant of parole to the petitioner was dismissed.

[3]. Petitioner was convicted and sentenced to undergo rigorous imprisonment for life along with fine of Rs.5,000/- with default mechanism in FIR No.427 dated 18.09.2003 under Sections 302, 216, 34 IPC and Section 25 of the Arms Act by the Court of Addl. Sessions Judge, Kaithal vide judgment/order

dated 19.03.2010. The Court directed the Jail Authorities that the life imprisonment awarded to the petitioner will mean life and no concession shall be allowed to him whatsoever. Petitioner filed an appeal bearing CRA-D No.39-DB of 2012 before this Court and the same was dismissed by this Court on 10.01.2018.

[4]. In pursuance of order dated 25.02.2019 passed by this Court in CWP No.4403 of 2019, respondent No.2 has decided the parole case of the petitioner vide order dated 08.04.2019.

[5]. Notice of motion was issued on 12.07.2019. In pursuance thereof, Superintendent, District Jail, Faridabad has filed reply by way of affidavit on behalf of respondents No.1 to 4.

[6]. Perusal of the material on record would show that the petitioner has antecedent behavior of criminal activities in number of cases. According to the aforesaid reply, the petitioner was convicted in eight cases. Details of the same have been given in para No.1A of the affidavit. Out of the aforesaid cases, the petitioner was involved in two murder cases. One case under Section 307 IPC, one case under Section 387 IPC and three cases under Section 174-A IPC and one case under Section 8/9 HGCP Act. Similarly the petitioner was also involved in sixteen other cases. The details of which have been given in para No.1B of the aforesaid reply.

[7]. A mobile phone was recovered from the petitioner during his confinement in District Jail, Jhajjar. FIR No.218 dated 24.03.2015 under Sections 42/45 of the Prisons Act, P.S. Jhajjar was registered against him. He was convicted vide order dated 13.05.2016 by the Judicial Magistrate 1st Class, Jhajjar. Petitioner was placed in the category of hardcore prisoner in view of Section 2(aa)(iv) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013.

[8]. Petitioner remained confined in various jails since 25.05.2002 in different cases. During interregnum period, he remained absconder in many cases. Petitioner was released on agricultural parole on 26.10.2002 in FIR No.17 dated 04.03.2001 under Sections 302, 34 IPC and Sections 25/54/59 of the Arms Act, P.S. Bapoli District Panipat. Petitioner was directed to surrender in Jail on 08.12.2002, but he did not surrender on the due date and absconded. Petitioner was arrested by the Police and was re-lodged in Central Jail, Ambala on 10.10.2003. He remained as absconder for more than 10 months.

[9]. Petitioner was produced on production warrant before the Sub-Divisional Judicial Magistrate, Safidon on 08.07.2005 in case bearing FIR No.457 dated 02.12.2004 under Sections 386, 387 IPC, P.S. Safidon, District Jind. Petitioner escaped from the

police custody on 08.07.2005 with the help of his friend. He went to South Africa for hiding himself. He was re-arrested by the Police from South Africa and was brought back to India. He was re-arrested only on 22.06.2008 as an undertrial prisoner in case bearing FIR No.355 dated 23.11.2002 under Sections 307, 34, 120-B IPC and 25/54/59 of the Arms Act at P.S. Civil Lines, Karnal. Petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of seven years vide judgment/order dated 05.03.2009.

[10]. Petitioner is a gangster and is a habitual criminal. He has become pain in the neck of the jail administration as he had formed groups within the jail premises. He used to provoke the inmates and is a big threat to the security and safety of public order. For this reason, he was kept in a security cell as per Punjab Jail Manual Para No.399 (3)(b). Petitioner has committed jail offences while in confinement in various jails. He has deplorable conduct throughout. On five occasions, he has committed jail offences including misbehavior with the jail Doctor to whom, he gave threat of killing. Petitioner also had quarrels with his inmates. He was found in possession of mobile phone. Even mobile was recovered from the undertrial prisoner namely Josliaph and he in turn admitted that the mobile phone was given to him by the petitioner. Petitioner was lodged

in security ward for safety reason. A sharp blade was recovered from the petitioner with whom he used to give threats to other prisoners. Petitioner is a member of dreaded gang of Surrender Gyong.

[11]. Keeping in view the antecedents of the petitioner, the Addl. Sessions Judge, Kaithal while convicting and sentencing the petitioner had directed the Jail Authorities that life imprisonment awarded to the petitioner will mean life and no concession shall be allowed to him. The judgment of conviction and order of sentence dated 19.03.2010 has been upheld by this Court in CRA-D No.39-DB of 2012.

[12]. The District Magistrate, Kaithal did not recommend the case of the petitioner for parole on the basis of report submitted by the Superintendent of Police, Kaithal stating that the petitioner is owner of ancestral house within Lal Dora of the village. The house is newly constructed which does not require any repair. Respondent No.2 after going through the reports dismissed the parole case of the petitioner. A prisoner is not entitled for any parole in terms of Section 6 of the Act which provides that the release of convict on parole can be refused, if he is likely to endanger the society or maintenance of public order. In view of past and prevailing conduct of the petitioner, he is not entitled for any indulgence by this Court.

[13]. For the reasons recorded hereinabove, I do not see any justification to interfere in the impugned order. This criminal writ petition is accordingly dismissed.

September 18, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No