

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

CRWP No.2478 of 2019

Date of Decision: 30.01.2020

Rohit Kumar @ Babbu

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

Petitioner has approached this Court by way of filing the present petition under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 13.09.2019 (Annexure P-5), whereby, the application for grant of parole to the petitioner has been declined.

A further prayer has also been made for issuance of direction to the respondents to release the petitioner for six weeks' parole to look after his family members.

Learned counsel for the petitioner submits that the claim of the petitioner has been rejected only on the ground that he is hardcore criminal but no other reason has been mentioned. In judgment/order passed by the Division Bench of this Court in case ***People's Union for Civil Liberties vs***

State of Haryana and another 2014(3) PLR 79, the State of Haryana was directed to amend the provisions by considering this aspect and thereafter, the matter was considered by the State. Learned counsel also submits that under similar circumstances, in case ***CWP No.9699 of 2018*** titled as ***Sukhvir Singh @ Sukha vs State of Punjab and others*** decided on ***11.09.2019***, the writ petition filed by the accused was allowed wherein also, the petitioner was a convict for an offence under Sections 302 and 376 IPC. In case ***CWP No.20679 of 2018*** titled as ***Jagjit Singh @ Jaggi vs State of Punjab and others*** decided on ***18.09.2018***, a direction was issued by this Court to consider the claim of the petitioner for grant of parole after considering him as a 'prisoner' and not a 'hardcore prisoner' and pass necessary orders within a period of 15 days from the date of receipt of certified copy of the order.

Learned counsel for the petitioner has relied upon the judgment of Hon'ble the Apex Court in case ***State of Haryana and others vs Jagdish 2010(3) JT 341***, judgments of this Court in cases ***Sonu @ Arun vs State of Haryana and others (CRWP No.1078 of 2014*** decided on ***09.02.2015***) as well as ***People's Union for Civil Liberties'*** case (supra) in support of his arguments.

Learned State counsel submits that even otherwise also, the petitioner is a convict for an offence punishable under Sections 302 and 376 IPC and does not deserve the concession of parole.

After hearing the arguments of learned counsel for the parties; on perusal of order dated 18.09.2018 passed in ***Jagjit Singh @ Jaggi's*** case (supra) and also the fact that there is an amendment and as per amendment, the convict is to be considered as a 'prisoner' and not a 'hardcore prisoner'

while dealing with the cases of parole, the present petition is disposed of with a direction to the respondents to consider the case of the petitioner for grant of parole after considering him as a `prisoner' and not a `hardcore prisoner'. The necessary orders be passed within a period of one week from the date of receipt of certified copy of the order.

(DAYA CHAUDHARY)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

30.01.2020
gurpreet

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No