

CRWP No. 971 of 2021

Date of Decision: 29.10.2021

Neeraj @ Montu

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Nitin Rathree, Advocate, for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of '*certiorari*', '*mandamus*' or any other order or direction as this court may deem fit under the circumstances of the present case, setting aside the order dated 29.09.2020 passed by respondent no. 3 herein and for issuance of directions to the respondents for giving three weeks' parole/'*foulough*' to the petitioner for meeting his family and to perform his social responsibilities.

A reply having been filed by the Superintendent of Central Jail-1 and II Hisar, dated 18.08.2021, it is ordered to be taken on record.

It is stated in the reply that the petitioner has been convicted thrice for the commission of different offences and sentenced to 7 years imprisonment in the context of two cases and to life imprisonment in the context of one case; and that even while he was on parole, he was arrested for the alleged commission of various offences.

Thus, it is stated that he is a hardcore criminal and consequently, is not entitled to parole because even in terms of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015, he would be entitled for temporary release or '*fuorlough*' only after completion of five years imprisonment and if he has not been awarded a major punishment by the Superintendent of Jail, as judicially appraised by the concerned District and Sessions Judge.

It has next been stated that he has not even completed three years of imprisonment in the context of his conviction, pursuant to FIR No. 3, registered on 01.01.2013; and consequently, in any case he cannot be considered for being released on parole presently.

That being so, this petition is dismissed but with learned counsel for the petitioner submitting that he may be granted liberty to apply for parole again, once he completes three years of imprisonment in the context of the aforesaid case.

Naturally, that liberty to apply for such parole is available to any person and upon any such application being filed by the petitioner at the appropriate stage, that would be considered wholly on its own merits by the authorities concerned.

October 29, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No.