

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

CRWP-1248-2021

Date of Decision: February 12, 2021

Ajay @ Raju

.... Petitioner

Versus

State of Haryana and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN
HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Randeep S. Dhull, Advocate,
for the petitioner.

Mr. Raman K. Sharma, Addl. Advocate General, Haryana,
for the respondents.

VIVEK PURI, J.

The matter has been taken up through video-conferencing in the light of the pandemic Covid-19 situation and as per instructions.

We have heard learned counsel for the parties and perused the record.

The petitioner has been convicted and sentenced for life imprisonment under Sections 302, 120-B, 216 IPC, in the case bearing FIR No. 79, dated 21.09.2012, registered at Police Station Satnali, District Mahendergarh.

The petitioner has sought parole on the score that the marriage of his sister's son is to be solemnized on 15.02.2021 and he has to participate in the allied ceremonies being maternal uncle.

The request of the petitioner for parole has been declined in terms of order dated 29.01.2021. It is significant to note that besides the present case, the petitioner has been convicted in 07 other cases, details whereof are given herein below:-

- “1. Convicted on 19.10.2015 and sentenced to undergo 10 years RI and to pay a fine of Rs. 10,000/- in default 06 months SI in case FIR No. 169 dated 26.09.2012 under Section 395 IPC, P.S. Laharu by the learned Court of Smt. Gurvinder Kaur, ASJ Bhiwani;*
- 2. Convicted on 11.04.2016 and sentenced to undergo RI for life and to pay a fine of Rs. 21,000/- in default 06 months RI in case FIR No. 141 dated 05.06.2012 under Sections 302, 120-B IPC and 25(1B) Arms Act, P.S. Sahlawas by the learned Court of Ms. Raj Gupta, ASJ Jhajjar;*
- 3. Convicted on 04.06.20216 and sentenced to undergo 02 years SI and to pay a fine of Rs. 2,000/- in default 03 months SI in case FIR No. 149 dated 08.05.20212 under Sections 8/9 of H.G.C.P. Act, P.S. Sadar Dadri by the learned Court of Sh.Narender Sharma, ASJ Bhiwani;*
- 4. Convicted on 01.10.2016 and sentenced to undergo RI for life and to pay a fine of Rs. 20,000/- in default 04 months SI in case FIR No. 15 dated 15.02.2014 under Sections 307, 302, 120-B,34 IPC, P.S. Satnali by the learned Court of Sh. R.K.Dogra, ASJ Narnaul;*
- 5. Convicted on 07.06.2017 and sentenced to undergo 05 years RI and to pay a fine of Rs. 5,000/- in default 06 months SI in case FIR No. 352 dated 17.09.2012 under Section 395 IPC, P.S. Sadar Bahadurgarh by the learned Court of Sh. Vivek Nasir, ASJ Jhajjar;*
- 6. Convicted for the sentence has already underone on 03.11.2015 by the ld Court of Sh. Naveen Kumar, JMIC Charkhi Dadri in case FIR No. 207, dated 01.11.2012 under Section 25/54/59 Arms Act, Police Station Badhra;*
- 7. Convicted for payment of fine of Rs. 1000/- on 28.03.2008 by the ld. Court of Sh. C.R. Yadav, Special Judicial Magistrate, Mahendergarh in case FIR No. 17 dated 11.01.2003, under Sections 279, 337, 338 IPC, Police Station Mahendergarh.”*

Besides, the petitioner has been acquitted/discharged in 26 cases. Furthermore, the detail of jail offences committed by the petitioner is given herein below:-

- “1) On dated 13.02.2012, the above said convict was released for 04 weeks parole for “Bhat” and was directed to surrender at jail gate on 13.03.2012 but he did not surrendered on time and was lodged in District Jail, Narnaul on 09.11.2012 by the Police in case FIR No. 149 dated 08.05.2013 u/s 8/9 HGCP Act PS Sadar Dadri and two other cases after overstay of 7months 26 days. Punishment of forfeit of 2 days earned remission was awarded to him by the Superintendent Jail, District Jail, Narnaul. The said convict has been sentenced to undergo 2 years simple imprisonment and to pay a fine of Rs. 2,000/- and in default of payment of fine to undergo 3 months simple imprisonment in the above said case;*
- 2) The said convict was found in possession of a mobile phone during search on 12.05.2015 while confined in District Jail, Narnaul and for which a case FIR No. 216 dated 12.05.2015 under Section 42 Prisons Act, PS City Narnaul was got registered. However he has been acquitted by the Ld. Court of CJM, Narnaul;*
- 3) On dated 20.10.2016, while confined in District Jail, Narnaul, the said convict committed a Jail offence by willful refusing to obey the order of Jail Administration to eat food as prescribed by the Prison diet scale for which the said convict was awarded the Major Punishment of forfeit of 15 days earned remission by the Superintendent, District Jail, Narnaul. The said Major Punishment was judicially appraised by the Ld. District & Sessions Judge, Narnaul vide order No. 10692 dated 25.10.2016.”*

The petitioner has been declared to be a hardcore prisoner on two counts. As per Section 2(aa)(i)(8) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013 (for short “Act 2013”), he has been declared hardcore prisoner as he has been convicted in two cases of murder under Section 302 IPC and is stated to be a serial killer. Secondly, he has been convicted twice for dacoity and as such, declared as hardcore prisoner as per Section

2(aa)(i)(2) of the Act 2013. Furthermore, major punishment has been imposed upon the petitioner by the Superintendent Jail, which has been judicially appraised by the District & Sessions Judge. Consequently, the petitioner becomes disentitled to the concession of parole/furlough as per the provisions of Section 5A (2) of Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015. It shall not be out of place to mention here that the request for parole of the petitioner at the earlier instance has been declined on the score that he remained absconder of parole, is a habitual criminal and in case, he is released on parole, there is likelihood of absconding and committing any other offence. The earlier petition bearing CWP-17944-2018 for parole was dismissed in terms of order dated 19.09.2018.

Keeping in view the totality of the circumstances, no ground is made out to extend the concession of parole to the petitioner.

Accordingly, present petition is dismissed.

[JITENDRA CHAUHAN]
JUDGE

[VIVEK PURI]
JUDGE

February 12, 2021

vk d

Whether speaking/reasoned : *Yes / No*
Whether reportable : *Yes / No*