

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

CRWP-1572-2020

Date of decision : 02.07.2021

Rahul

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM :HON'BLE MR.JUSTICE JASWANT SINGH
HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Mr. Akshaydeep Singh, Advocate for
Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Vivek Saini, Addl. AG, Haryana.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

RAJESH BHARDWAJ, J.

The petitioner has filed the present criminal writ petition under Article 226/227 of the Constitution of India in the nature of certiorari praying for quashing the impugned order dated 18.11.2019 annexed as Annexure P-1 wherein the prayer for grant of six weeks parole to the petitioner was declined by respondent No.4. It has been further prayed that the petitioner be granted six weeks agriculture parole for maintaining and harvesting the wheat crop.

As per the facts narrated in the petition, the petitioner was convicted and sentenced for 12 years rigorous imprisonment in FIR No.28 dated 09.02.2016, under Sections 363, 376 of Indian Penal Code, Section 6 POCSO Act and Section 3(1) (xii) of SC/ST Act registered at Police Station Radaur, District Yamuna Nagar vide order dated 24.09.2018 by Additional

Sessions Judge, Yamuna Nagar. The petitioner preferred an appeal bearing

No.CRA-D-6999-2018 before this Hon'ble Court which is "Admitted" and pending adjudication. The father of the petitioner filed an application (Annexure P-2) for grant of six weeks parole for his son i.e. the present petitioner. It was received in the office of the respondent-authorities on 13.11.2019 and a conscious decision was taken on the application filed by the father of the petitioner. For the endorsement of prayer in question, the petitioner has also placed on record Annexure P-3 wherein the Gram Panchayat and Namberdar have also supported the prayer in question.

We have heard counsel for the petitioner and perused the record of the case.

The order dated 18.11.2019 impugned by the petitioner has been perused by this Court. A perusal of the same reveals that during the custody, a mobile phone was recovered from the petitioner on account of which FIR No.899 of 2019 under Section 42 of Prison Act, and FIR No.794 of 2017, under Section 42 Prison Act, were registered against him at Police Station City Jagadhri. It has been mentioned in the order that on account of the same, the petitioner falls in the category of Hardcore Prisoners as per Parole Amended Act, 2015. In addition to this, it has been further mentioned that in view of The Haryana Good Conduct Prisoners (Temporary Release) Amended Act, 2015, a prisoner can be released only after completion of two years of custody as under trial and three years of custody after conviction and thus, after the completion of total five years of custody. The petitioner had completed two years as under trial and was short of three years period required after conviction. Thus, the order impugned by the petitioner has been passed on account of two reasons, firstly, the petitioner falling in the category of hardcore prisoner and secondly, for not qualifying the requisite

custody period.

From the perusal of the record and the arguments advanced, we are not inclined to interfere in the impugned order. It is further apparent that the prayer made for the grant of agriculture parole vide application (Annexure P-2) no more survives as on today. The petitioner, if so advised, can move the authority concerned with a fresh application.

In view of the observations made hereinabove, we find it appropriate to dismiss the petition as infructuous, however, with liberty to the petitioner to approach the appropriate authority for the redressal of his grievances in accordance with law.

(JASWANT SINGH)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

02.07.2021
m. sharma

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