

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP-1870-2021 (O&M)
Date of Decision:17.03.2021

Sandeep Soni @ Sonu

..Petitioner

Versus

State of Haryana and others

...RESPONDENTS

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. R.S.Dhull, Advocate for the petitioner.
Ms.Shruti Jain Goyal, DAG, Haryana

SANT PARKASH, J.

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

CRM-W-295-2021

Prayer in the present application is for placing on record correct/amended memo of parties.

Application is allowed, as prayed for. Amended memo of parties is taken on record.

Main case

The present criminal writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ in the nature of certiorari for setting aside the action of respondent No.4 declining to entertain the application moved by the petitioner for grant of parole and also for issuance of a writ in the nature of mandamus for direction to the respondents to release the petitioner on parole for a period of four weeks to enable him to repair his house.

The petitioner was tried in FIR No. 259 dated 11.08.2014 registered under Sections 302, 120-B of the Indian Penal Code, 1860 at Police Station City Rewari, District Rewari and consequently he has been convicted and sentenced for life imprisonment. Against the judgment of conviction and order of sentence, petitioner filed an appeal before this Court, which stands admitted and pending for final hearing.

Learned counsel for the petitioner submits that the petitioner has moved an application on 27.12.2020 for grant of parole to him for a period of four weeks for repair of his house. He further submits that the competent authority is not considering the parole case of the petitioner.

Learned counsel for the State on the basis of reply filed submits that the petitioner was earlier granted three weeks' furlough by the competent authority on 01.06.2018 and was directed to surrender on 23.06.2018 but he did not surrender on the due date. He remained absconding from 23.06.2018 to 04.08.2018, i.e. 1 month and 12 days. Learned State counsel also submits that the petitioner was arrested by the Rewari Police along with six new criminal cases and now he was confined in District Jail, Rewari. Thus, she prays that the present petitioner does not deserve the concession of parole in view of his past conduct as there is every possibility of his absconding.

After having heard learned counsel for the parties and perusing the case file, we are not inclined to extend the benefit of parole to the present petitioner.

It is specifically mentioned in the reply dated 03.03.2021 that earlier the petitioner was granted three weeks' furlough by the competent authority on 01.06.2018 and he was to surrender on 23.06.2018 but he failed

23.06.2018 to 04.08.2018 for 1 month and 12 days. It is further mentioned in the reply that he was arrested by the Rewari Police and he was involved in six new criminal cases detailed in the reply. The petitioner was kept under “hardcore category” as per the Haryana Government Notification dated 03.10.2013. It is also mentioned in the reply that neither any application for grant of parole was moved by the petitioner nor respondent No.4 has declined the parole case of the petitioner. We find substance in the contention raised by the learned counsel for the State that it would be of a great hardship and inconvenience to the jail authorities as well as to the police if the petitioner is released on parole as the petitioner was kept under “hardcore category”.

Moreover, as per the reply dated 03.03.2021 filed on behalf of the respondent-State, it is evident that the petitioner is found involved in six more criminal cases, thus he is a habitual offender and may again indulge in the similar criminal activities, if released on parole.

Otherwise also, it is the subjective satisfaction of the authority concerned to evaluate the circumstances seeking parole. Unless and until some arbitrariness or malafide is apparent in the order of the said authority, only then, this Court should invoke its jurisdiction under Article 226 of the Constitution of India.

In view of the above, we do not find any merit in the instant petition and same is accordingly dismissed.

(JASWANT SINGH)
JUDGE
17.03.2021
mks

(SANT PARKASH)
JUDGE

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