

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

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(PROCEEDINGS THROUGH V.C.)

CRWP-7865-2021 WITH CRM-W-975-2021 (O&M)

DATE OF DECISION: AUGUST 23, 2021

GULABA

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Bhavdeen Singh Mamli, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this writ petition is for release of the petitioner on parole for a period of eight weeks for house repair purpose. The application as moved by the petitioner for parole has been rejected by the Divisional Commissioner, Ambala Division, Ambala vide order dated 30.07.2021 by observing therein that the petitioner, after availing his parole on 18.06.2019, when returned back to jail, during his search, was found in possession of narcotic substance, which was recovered from his underwear. Jail Superintendent, as per the Punjab Jail Manual Para 612 (4) had passed an order of punishment to the extent of reduction of days in his remission. Said order has been put up before the District and Sessions Judge, Ambala, for judicial appraisal, which has been approved. On an another occasion, search of Room No.2, Block No.4 yielded one mobile battery, for which the petitioner was kept in a separate security ward for 15 days as per Para 612

(8) of the Punjab Jail Manual. This order again has been put up before the District and Sessions Judge, Ambala, for judicial appraisal, which has been approved. The petitioner, therefore, has been found to be hardcore criminal as per the provisions of the Punjab Jail Manual and, therefore, not entitled to the benefit as claimed.

Learned counsel for the petitioner has submitted that the recovery of the intoxicant from the underwear of the petitioner, although may be there, but the quantity thereof has not been mentioned. His further assertion is that so far as recovery of one mobile battery from Room No.2, Block No.4 is concerned, the same cannot be attributed to the petitioner alone as he was not the sole occupant of the said room.

These contentions of counsel for the petitioner cannot be accepted in the light of the fact that the orders of punishment passed by the Jail Superintendent have been put up before the District and Sessions Judge, Ambala, for judicial appraisal, which have been found to be correct and in accordance with the statutory provisions of the Punjab Jail Manual. Since the petitioner falls in the category of hardcore criminal, the rejection order of application for parole for eight weeks for repair of house has been found to be justified and in accordance with law.

The writ petition, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

August 23, 2021
khurmi

(ASHOK KUMAR VERMA)
JUDGE

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