

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

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**CRM-M-13950-2017
Date of decision: 27.04.2022**

DEVENDER SINGH

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: None for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

VINOD S. BHARDWAJ. J.(Oral)

1. The present case was registered on the complaint submitted by one Devender Singh, Advocate practicing in District & Sessions Court, Palwal dated 23.03.2017 praying that action shall be taken against Superintendent of Jail, Neemka Jail, Faridabad and further that parole not be granted to the convicts Yogender S/o Bhanu Partap, Bhola S/o Deshpal, Birpal S/o Kushalpal, Rinku S/o Pirthi and Bobby @ Pardeep S/o Kishan Pal residents of Kanungauyan, Palwal. It was averred in the said complaint that the convicts mentioned in the complaint are involved in several cases and that in the event of parole being granted to them, there is an apprehension of danger with the life and property of the complainant.

2. Pursuant to the notice issued, the response on behalf of the respondent-State by way of affidavit of Anil Kumar, Superintendent, District Jail, Faridabad dated 15.07.2017 was filed. The relevant extract by reply by

way of affidavit is extracted as under:

“That as per direction of the Director General of Prisons, Haryana, Panchkula , complainant Sh. Devender Singh, Advocate was called to appear before Sh. Deepak Sharma, the then Superintendent, District Jail, Faridabad vide this office PTM No. 14223-24 dated 21.12.2016 & ASW-01-02 dated 03.01.2016 to record his statement but he didn’t come. The reply has already been sent to the Director General of Prisons, Haryana, Panchkula vide this office letter No. 579 dated 13.01.2017 (photocopy enclosed). The petitioner is a habitual complainant who made false complaints and want to create illegal pressure on administration to debar convict for releasing on parole. Allegations leveled by the said complainant on Administration are baseless and having no relation to the truth.

3. Subsequently, in furtherance to the interim directions issued by the High Court, a supplementary reply by way of affidavit of Deepak Sharma, Superintendent, District Prison, Faridabad dated 02.04.2019 was also filed giving out details of various cases registered against the accused/convicts and the details of the parole availed by them. The same is reproduced herein after below:-

“5. That the parole were given to the convicts namely 1. Yogender S/o Bhanu Partap, 2. Bhola S/o Deshpal, 3. Birpal S/o Kushalpal, 4. Rinku S/o Pirthi and 5. Bobby @ Pardeep S/o Kishan Pal as per their eligibility according to the Parole Act & Rules. All rules and regulations were followed or as per instructions issued by the Head Office i.e. Director General of Prisons, Haryana, Panchkula from time to time. It is further submitted that this office only initiated the parole case of the eligible convicts and forwarded to the sanctioning authority i.e. the Commissioner, Gurgaon Division Gurgaon and Faridabad & concerned District Magistrate of the area in which the convict resides for recommendation. The Commissioner, Gurugram Division, Gurugram had sanctioned parole to the said convicts on the recommendations of the District Magistrate, Palwal (Photocopies Attached).

6. That the details of parole availed by the convict *Yogender S/o Bhanu Partap*, which were granted by the competent authorities i.e. the District Magistrate, Palwal and the Commissioner, Gurugram Division, Gurugram.

- a. From 25-05-2016 to 23-06-2016 :: 04 Weeks House Repair Parole.
- b. From 19-10-2016 to 01-12-2016 :: 06 Weeks Agriculture Parole.
- c. From 20-02-2017 to 21-03-2017 :: 04 Weeks Admission Parole.
- d. From 20-06-2017 to 02-08-2017 :: 06 Weeks Agriculture Parole.
- e. From 18-08-2017 to 02-09-2017 :: 02 Weeks Emergency Parole.
- f. From 16-02-2018 to 17-03-2018 :: 04 Weeks Admission Parole.
- g. From 11-06-2018 to 03-07-2018 :: 03 Weeks Furlough.

All the copies of release order issued by the competent authorities are enclosed herewith.

7. That the details of parole availed by the convict **Bhola S/o Deshpal**, which were granted by the competent authorities i.e. the District Magistrate, Palwal and the Commissioner, Gurugram Division, Gurugram.

- a. From 02-06-2016 to 15-07-2016 :: 06 Weeks Agriculture Parole.
- b. From 20-10-2016 to 18-11-2016 :: 04 Weeks House Repair Parole.
- c. From 20-02-2017 to 21-03-2017 :: 04 Weeks Admission Parole.
- d. From 20-06-2017 to 02-08-2017 :: 06 Weeks Agriculture Parole.
- e. From 13-02-2018 to 14-03-2018 :: 04 Weeks Admission Parole.
- f. From 01-06-2018 to 14-07-2018 :: 06 Weeks Agriculture Parole.
- g. From 14-09-2018 to 04-10-2018 :: 03 Weeks Furlough.

All the copies of release order issued by the competent authorities are enclosed herewith.

8. That the details of parole availed by the convict **Birpal S/o Kushal Pal**, which were granted by the competent authorities i.e. the District Magistrate, Palwal and the Commissioner, Gurugram Division, Gurugram.

- a. From 25-05-2016 to 07-07-2016 :: 06 Weeks Agriculture Parole.

- b. *From 07-10-2016 to 05-11-2016 :: 04 Weeks House Repair Parole.*
- c. *From 20-02-2017 to 04-04-2017 :: 06 Weeks Agriculture Parole.*
- d. *From 21-06-2017 to 20-07-2017 :: 04 Weeks Admission Parole.*
- e. *From 13-02-2018 to 28-03-2018 :: 06 Weeks Agriculture Parole.*
- f. *From 01-06-2018 to 30-06-2018 :: 04 Weeks Admission Parole.*
- g. *From 06-09-2018 to 28-09-2018 :: 03 Weeks Furlough.*

All the copies of release order issued by the competent authorities are enclosed herewith.

9. *That the details of parole availed by the convict **Rinku S/o Prithi**, which were granted by the competent authorities i.e. the District Magistrate, Palwal and the Commissioner, Gurugram Division, Gurugram.*

- a. *From 02-06-2016 to 01-07-2016 :: 04 Weeks House Repair Parole.*
- b. *From 14-10-2016 to 26-11-2016 :: 04 Weeks Agriculture Parole.*
- c. *From 10-03-2017 to 08-04-2017 :: 04 Weeks Admission Parole.*
- d. *From 18-09-2017 to 31-10-2017 :: 06 Weeks Agriculture Parole.*
- e. *From 25-04-2018 to 24-05-2018 :: 04 Weeks Admission Parole.*
- f. *From 26-07-2018 to 17-08-2018 :: 03 Weeks Furlough.*

All the copies of release order issued by the competent authorities are enclosed herewith.

10. *That the details of parole availed by the convict Bobby @ Pardeep S/o **Kishan Lal**, which were granted by the competent authorities i.e. the District Magistrate, Palwal and the Commissioner, Gurugram Division, Gurugram.*

- a. *From 02-06-2016 to 01-07-2016 :: 04 Weeks House Repair Parole.*
- b. *From 19-10-2016 to 01-12-2016 :: 06 Weeks Agriculture Parole.*
- c. *From 21-04-2017 to 03-06-2017 :: 06 Weeks Agriculture Parole.*
- d. *From 17-10-2017 to 15-11-2017 :: 04 Weeks Admission Parole.*
- e. *From 20-06-2018 to 19-07-2018 :: 04 Weeks Admission Parole.*

All the copies of release order issued by the competent authorities are enclosed herewith.

4. It is also noticed in the said reply that the complainant Devender Singh, Advocate was called by the Director General of Prisons, Haryana to appear and get his statement recorded, however, he chose not to appear before the authorities in lodging the complaint.

5. The matter has been listed on various occasions before this Court. Initially Ms. Neelam Choudhary, Advocate appointed as Amicus Curiae was pursuing the case on behalf of the petitioner. However, the said Amicus Curiae did not appear on the subsequent dates whereupon Mr. Paras Talwar, Advocate was appointed as Amicus Curiae to assist this Court. However, the said Advocate did not come forth to advance any assistance. Eventually, Mr. Anoop Bajwa, Advocate was appointed as Amicus Curiae to assist this Court vide order dated 17.12.2018, however, even the said nominated counsel did not put an appearance.

6. On the date fixed on 13.02.2019, one Mr. Pawan Garg, Advocate appeared on behalf the petitioner and sought time to file orders passed by the Jail Superintendent granting parole to a person. The matter was thereafter adjourned, however, no documents were filed by the said Advocate. Eventually, Mr. Pawan Garg, Advocate also did not put up appearance on 08.07.2019. The matter was adjourned in the interest of justice, and case is adjourned to 06.11.2019. On the adjourned date of 06.11.2019, the matter was not taken up and the same was adjourned to 11.12.2019. On the adjourned dated 11.12.2019, one Mr. Sidharth Sehgal, Advocate put in appearance on behalf of the petitioner. It is apparent that despite complainant being an advocate, he has chosen not to be represented or to defend his application, The

counsel who have been appointed by this Court as well as who have appeared on behalf of the petitioner had been successively requesting for date, it seems that the complainant has no pending interest in the matter.

7. In view of the response filed by the respondent-State as also the sustained absence on behalf of the petitioner, I find no further directions are required to be issued in the matter. The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 27, 2022
Vishal Sharma

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