

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

(108)

**CRWP-2691-2022
Date of decision: 25.03.2022**

Mohan Lal @ Monu

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajesh Nain, Advocate for the petitioner.

Ms. Mahima Yashpal, Deputy Advocate General,
Haryana for respondents No.1 to 3.

...

SUVIR SEHGAL, J.

Instant petition has been under Article 226 of the Constitution of India read with Section 3 (1) (c) of The Haryana Good Conduct Prisoners (Temporary Release) Act, 1962 (for short "Act of 1962") for issuance of a writ directing the respondents to release the petitioner on parole for a period of two weeks for attending the marriage of his cousin brother and sister, children of his aunt (Bua), which is to be solemnized on 28.03.2022.

Counsel for the petitioner submits that the petitioner has been convicted and sentenced for a period of 10 years by the Ld. Additional Sessions Judge, Jind in FIR No.62 dated 28.03.2017, registered for offences under Sections 363 and 366-A, IPC and Section 6 of Protection of Children from Sexual offences Act, 2012 (for short "the POCSO Act"), at Police Station Alewa, District Jind. He has challenged the conviction before this Court in CRA-S-1399-2019, which has been admitted and is pending. Counsel submits that the father of the petitioner has expired and, therefore, the presence of the petitioner is necessary in place of his father at the

time of marriage of his cousin, which is fixed on 28.03.2022. Reliance has been placed by the counsel upon the Wedding Card (Annexure P-2) as well as a Certificate dated 16.03.2022 issued by the Gram Panchayat, Alewa (Annexure P-3).

Advanced copy of the petition has been served upon the State and a status report has been filed by the State counsel under the signatures of the Superintendent Jail, District Jail, Jind, opposing the prayer on the ground that the petitioner is involved in 4 other cases and falls within the category of hardcore prisoner. Under Section 2 (aa) read with Section 4 (1) and in terms of the provisions of the Good Conduct Act, he is not entitled to be released on parole as he has not completed the requisite period of 5 years in custody.

I have heard counsel for the parties and considered their respective submissions.

Release of a prisoner on furlough or parole is not a vested right, rather it is a privilege granted under the Act, which is subject to the fulfillment of the conditions laid down therein. One of the statutory requirements as laid down in Section 2 (aa) read with Section 4 (1) of the Good Conduct Act is that a hardcore prisoner is entitled for temporary release or furlough only if he has completed 5 years imprisonment and has not been awarded any major punishment by the Superintendent of Jail, as judiciary appraised by the District & Sessions Judge concerned. As per the status report filed by the State, the petitioner has undergone a total custody of 4 years 6 months and 2 days including remission as per Jail record on 24.03.2022. As the petitioner does not fulfill the statutory requirement, he has no case for being released on parole.

Still further, it deserves to be noticed to that the petitioner has not approached this Court with clean hands. He has suppressed the fact that besides conviction in the FIR mentioned above, he is involved in 4 other cases, the details of which are as under:-

- (i) FIR No.180 dated 15.11.2017, registered for offences under Section 42 of Prisons Act, 1894, at Police Station, Civil Line, Jind;
- (ii) FIR No.235 dated 28.05.2020, registered for offences under Sections 323, 34 and 506, IPC, at Police Station, Civil Line, Jind;
- (iii) FIR No.57 dated 27.02.2019, registered for offence under Section 25 of Arms Act, 1959, at Police Station Sadar, Jind and;
- (iv) FIR No.20 dated 23.02.2019, registered for offences under Sections 148, 149, 285, 323 and 427, IPC and Section 25 of Arms Act, 1959, at Police Station, Alewa, Jind.

Not only this, the petitioner as per the status report, has not submitted any application before the Jail Authorities seeking parole and has preferred to straightway approach this Court.

Keeping in view the above facts and circumstances, this Court is of the view that there is no merit in the petition, which is ordered to be dismissed.

(SUVIR SEHGAL)
JUDGE

25.03.2022
Pardeep

Whether speaking/ reasoned	Yes
Whether Reportable	Yes