

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

CRWP-3507-2022

Date of decision: 20.4.2022

Sandeep @ Sonu

..... Petitioner

VERSUS

State of Haryana and others

..... Respondents

CORAM: **HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO**
HON'BLE MR. JUSTICE H.S.MADAAN

Present: Mr.Sandeep Kumar Yadav, Advocate and
Mr.Vikram Bishnoi, Advocate
for the petitioner.

Mr.S.S. Pannu, DAG, Haryana.

H.S. MADAAN, J.

1. Petitioner Sandeep @ Sonu, aged about 33 years, resident of Nai Abadi, Street No.1, Rewari, District, presently confined in District Jail, Jhajjar, as convict undergoing sentence in FIR No.259 dated 11.8.2014, under Section 302, 120-B, 34 IPC & 25 of Arms Act, 3(2)(V) of SC/ST Act, P.S. City, Rewari, has filed the instant criminal writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. and Section 3 (1) of the Haryana Good Conduct Prisoners Temporary Release Act, 1988.

2. By way of filing the instant petition, the petitioner is seeking parole for a period of one month for performing last rites of his mother, who had expired and was cremated on 13.3.2022. The petitioner had applied to Superintendent Jail, Jhajjar for grant of parole. However, his such request was declined vide a detailed order dated 4.4.2022, copy of which being

Annexure P2. The petitioner is seeking quashing of that order by way of acceptance of the present writ petition.

3 Notice of motion be given to respondents.

4. Mr.S.S. Pannu, DAG, Haryana, has accepted notice on behalf of respondents and is opposing the petition tooth and nail.

5. We have heard learned counsel for the petitioner and learned State counsel besides going through the record.

6. The petitioner had approached this Court earlier by way of filing CRWP No.2295 of 2022 seeking his release on parole for a period of three months to attend his terminally sick mother, who had later on expired during pendency of the petition. That petition was disposed of by this Court on 16.3.2022 inasmuch as the petitioner was ordered to be sent to the place where the last rites of his mother were to be performed in police custody on 22nd and 23rd March, 2022. Thereafter, he had applied to Superintendent, District Jail, Jhajjar for his temporary release for performance of last rites of his mother, which request had been declined vide impugned order as detailed above. The said order is now being challenged before this Court.

7. It is pertinent to mention here that on his request the petitioner was ordered to be sent to the venue of cremation in police custody on 13.3.2022 in order to enable him to participate in cremation rituals of his deceased mother.

8. After hearing learned counsel for the petitioner, learned State counsel and going through the record, we do not find any illegality and infirmity in the impugned order and do not see any reason to interfere

therewith or direct release of the petitioner on parole, as prayed for. The petitioner on his request was allowed to attend the cremation rituals of his deceased mother and to perform her last rites while being in police custody. It having been so, he can certainly not ask for his release on parole to perform further last rites. It seems that in garb of making such request, the petitioner wants to come out of the jail, which keeping in view his past conduct and criminal record is uncalled for. Superintendent, District Jail, Jhajjar in the impugned order has observed that besides being convicted and sentenced in the present case, he has been convicted in five other cases, the details of which are as under:

- (i) FIR No.325 dated 30.11.2009, under Sections 323, 325, 34 IPC, P.S. City, Rewari;
- (ii) FIR No.263 dated 24.9.2011, under Section 13-3-67 of Gambling Act, P.S. City, Rewari;
- (iii) FIR No.15 dated 16.1.2012, under Sections 323, 325, 341, 307, 34 IPC, P.S. City Rewari;
- (iv) FIR No.205 dated 4.7.2018, under Section 8/9 HGCP Act, P.S. City, Rewari; and
- (v) FIR No.120 dated 9.4.2013, under Sections 307, 120-B, 34 IPC, P.S. City, Rewari.

The petitioner was involved in four more cases, although he could earn acquittal therein. In addition to that he is involved in nine other criminal cases, the details of which are as under:

- (i) FIR No.567 dated 23.10.2020, under Section 42 of Prison Act, P.S. City Narnaul;
- (ii) FIR No.200 dated 11.3.2021, under Section 42-A of Prison Act, P.S. City, Narnaul;
- (iii) FIR No.364 dated 27.6.2019, under Section 42-A of Prison Act, P.S. City Narnaul;
- (iv) FIR No.236 dated 22.9.2004, under Section 379 IPC, P.S. City, Rewari;
- (v) FIR No.556 dated 3.8.2019, under Sections 195-A, 506 IPC, P.S. Model Town, Rewari;
- (vi) FIR No.201 dated 3.7.2018, under Sections 307, 506, 120-B IPC and 25/54/59 of Arms Act, P.S. City Rewari;
- (vii) FIR No.203 dated 3.7.2018, under Sections 307, 506, 120-B, 34 IPC and 25/54/59 of Arms Act, P.S. City Rewari;
- (viii) FIR No.321 dated 30.7.2018, under Sections 307, 384, 420, 427, 34 IPC and 25/54/59 of Arms Act, P.S. Model Town, Rewari; and
- (ix) FIR No.47/2010, P.S. Tijara.

The petitioner is shown to be on bail in these cases except in FIR No.203 dated 3.7.2018.

9. In that way, the petitioner is found involved in 19 criminal cases, many of them for heinous crime. As such, he comes out to be a habitual and a hardened criminal falling under the category of a hard core prisoner as per Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2012 & 2013. As mentioned in the impugned order itself,

the petitioner had been granted temporary release in the form of furlough w.e.f. 23.6.2018, however, he had absconded.

10. Temporary release of a convict in a criminal case is a concession, which is to be granted by the administration keeping in view the conduct of the convict while being in jail, his past criminal record, genuine apprehension of his indulging in crime again, resulting in breach of peace and tranquility besides other attending circumstances and no convict can claim this concession as a matter of right.

11. Thus, keeping in view the past criminal record of the petitioner and the fact that he had absconded after being released on furlough and further that he has already been allowed to attend the cremation and participate in last rites of his mother while being in police custody, no ground for acceptance of the present petition for grant of parole to the petitioner is made out.

12. Finding no merits in the present petition, the same stands dismissed.

(M.S. RAMACHANDRA RAO)
JUDGE

(H.S.MADAAN)
JUDGE

20.4.2022
Brij

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No