

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

**CRWP No. 7054 of 2021
Reserved on : 10.02.2022
Pronounced on : 22.02.2022**

Anoop @ Kirori

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Prateek Rathee, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J.

Prayer in this petition, filed under Article 226 of the Constitution of India, is for grant of parole to the petitioner for a period of two weeks for agricultural purposes and to set aside the order dated 26.02.2021 (Annexure P-1) passed by the jail authorities rejecting the case of the petitioner for temporary release on parole.

Learned counsel for the petitioner submits that the petitioner is undergoing life imprisonment in District Jail, Gurugram in case FIR No. 207 dated 22.09.2008, registered under Sections 302, 120-B, 506 of the IPC and Section 25 of the Arms Act, 1959 at Police Station Civil Lines, Bhiwani. The appeal preferred by the petitioner, bearing CRA-D-561-DB-2010, was dismissed by this Court on 01.02.2019.

Learned counsel for the petitioner further submits that on 17.02.2021, the mother of the petitioner applied to jail authorities for temporary release of the petitioner for a period of two weeks for agricultural

purposes, however, the same was declined by the Deputy Superintendent, District Jail, Gurugram on the ground that the petitioner is a hardcore prisoner under para No. 2(aa)(i)(8) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013 and is debarred from claiming parole under the Haryana Good Conduct Prisoners (Temporary Release) Amendment Rules, 2015. It is further stated that on 06.07.2015, the petitioner was released on parole but he absconded and did not surrender in time.

Learned counsel for the petitioner further submits that the competent authority to decide the case of the petitioner under 2013 Act is the District Magistrate and, therefore, the Deputy Superintendent, District Jail, Gurugram had no jurisdiction to decline the prayer for grant of parole to the petitioner.

Reply, filed by way the affidavit of Superintendent, District Jail, Gurugram, is on record. It is stated in the affidavit that the petitioner is convicted for life imprisonment in the present FIR No. 207 and he is also convicted for life imprisonment in FIR No. 174 dated 03.12.2003, registered under Sections 332, 353, 302, 307, 397 of the IPC and Section 25 of the Arms Act, 1959 and his sentence has started on 25.01.2015 after expiry of the sentence of 07 years awarded to him in FIR No. 172 dated 12.04.2003, registered under Sections 394, 397, 353, 333 and 186 of the IPC at Police Station City Bhiwani. It is further stated that the petitioner also stands convicted for 01 year and 06 months in FIR No. 243 dated 18.09.2015, under Sections 8, 9 of HGCP Act at Police Station Bawani Khera as well as in FIR No. 56 dated 24.01.2004 for a period of 01 year and has already undergone the sentence in 04 other FIRs as detailed in the affidavit, apart

from the fact that he was acquitted in 16 other FIRs of similar nature. It is further stated that looking into the fact that the petitioner is convicted for life imprisonment in 02 different FIRs of murder, he is covered under the hardcore category under para No. 2(aa)(i)(8) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2013 as a hardcore prisoner means a person who has been convicted of serial killing i.e. murder under Section 302 IPC in two or more cases in different FIRs. It is also stated that the petitioner was granted parole for six weeks by the District Magistrate, Bhiwani on 09.07.2015 and was to surrender on 21.08.2015, however, he absconded and later on arrested by the police on 15.01.2016 and aforesaid FIR No. 243 was registered against him. It is further stated in the affidavit that the case of the petitioner does not fall within the parameters laid down under the 2013 Act read with amended rules of 2015.

After hearing learned counsel for the parties and considering the fact that in the petition, the petitioner has concealed all the relevant facts regarding successive conviction for life imprisonment in two cases as well as the sentence undergone by him in other cases, as detailed in the reply/affidavit, no case for grant of parole to the petitioner is made out.

Accordingly, the present petition is dismissed.

22.02.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No