

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

CRWP-6063-2020

Date of Decision: February 15, 2023

JOGINDER @ KALU

....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Saurabh Mago, AAG, Haryana.

G.S. SANDHAWALIA, J.(ORAL)

Petition for releasing the petitioner on parole has been filed and the averments are made on account of mobile phone having been recovered from him in the jail premises and FIR under Section 42A being registered being, therefore, he is not being granted the benefit of parole. Defence of the State as such in the reply filed was that he was detected with the said mobile phone on 09.07.2019 and awarded punishment of 30 days confinement in security ward which was judicially appraised by learned District & Sessions Judge, Faridabad vide order dated 24.07.2019.

Keeping in view the fact that the petitioner is a hardcore prisoner as per Section 2(1)(g)(iv) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, it has been averred that he is not eligible for the benefit of parole until he completes five years of sentence after committing the last jail offence.

Counsel for the State has also relied upon the judgment of a

Full Bench in CRWP-1890-2020 titled as “*Kulwant alias Monu Vs. State of*

Haryana and others” wherein the said provision of the old Act was subject matter of consideration and upheld on 26.08.2022.

Faced with the said situation, counsel for the petitioner is not in a position to press the present petition. Accordingly, the same is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

15.02.2023
sangeeta

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No