

2023:PHHC:081453-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

221

CRWP-5180-2023

Date of Decision: 01.06.2023

Ravi Dutt @ Dhillu @ Battery

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA
HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Hoshier Singh Jaswal, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. A.G. Haryana.

B.S.Walia, J. (Oral)

Prayer in this petition under Article 226 of the Constitution of India is for the issuance of appropriate directions to respondent Nos.1 and 2 to accept the surety bonds on behalf of the petitioner and to release him on regular parole for 10 weeks in terms of sanction order (Annexure P-1) dated 27.12.2022 (wrongly mentioned as 27.12.2023).

Reply has been filed by the learned Additional Advocate General, Haryana, indicating therein that the petitioner is undergoing custody in the instant case pursuant to his conviction on 14.06.2018 in case FIR No.182 dated 15.05.2015 under Sections 120-B and 302 IPC read with Section 34 IPC and Section 25 of the Arms Act, Police Station Sohna, District Gurugram, by the Court of the Additional District & Sessions Judge, Gurugram whereby he was sentenced to undergo life imprisonment with fine

of Rs.32000/- and in default of payment of fine to further undergo imprisonment for a period of one year and four months.

Admittedly, the petitioner moved an application for being released on parole for 10 weeks parole for which release warrant (Annexure P-1) dated 27.12.2022 was issued by the Competent Authority but the same was not executed within the stipulated period of four months as provided for under Section 11 (8) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 and in the meantime, on 08.02.2023, the petitioner was convicted in another case, i.e. FIR No.125 dated 23.02.2015 under Section 302 read with Section 34 IPC, Police Station Jhajjar, and sentenced to undergo life imprisonment with fine of Rs.10,000/- and in default of payment of fine to under further imprisonment for 09 months.

The status report further mentions that in the circumstances, the petitioner falls within the definition of “Hardcore Prisoner” as is contemplated under Section 2(1)(g) of the Act *ibid*. The same reads as under:-

“2(1)(g). “Hardcore convicted prisoner” means any prisoner- (i) who has been convicted for any of the following offences:-

- (1) robbery under section 392 or section 394 of the Indian Penal Code, 1860 (Central Act 45 of 1860);
or
- (2) dacoity under section 395 or section 396 or section 397 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or

- (3) kidnapping for ransom under section 364-A of the Indian Penal Code, 1860 (Central Act 45 of 1860);
or
- (4) murder or attempt to murder for extortion under section 387 read with section 302 or section 387 read with section 307 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
- (5) rape or penetrative sexual assault or aggravated penetrative sexual assault or unnatural offence with murder under section 376 or section 377 read with section 302 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
- (6) rape or penetrative sexual assault or aggravated penetrative sexual assault or unnatural offence with a child below sixteen years of age; or
- (7) gang rape or rape as covered under section 376-A or section 376-C or section 376-D or section 376-E of the Indian Penal Code, 1860 (Central Act 45 of 1860); or
- (8) serial killing i.e. murder under section 302 of the Indian Penal Code, 1860 (Central Act 45 of 1860) in two or more cases in different First Information Reports (FIRs); or
- (9) murder under section 302 of the Indian Penal Code, 1860 (Central Act 45 of 1860), if the offender is

involved in contract killing as apparent from the facts mentioned in the judgment of the case; or

(10) lurking house trespass and convicted under section 458 or section 459 or section 460 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or

(11) offence under section 121 or section 121-A or section 122 or section 123 or section 124 or section 124-A of the Indian Penal Code, 1860 (Central Act 45 of 1860); or

(12) immoral trafficking under sections 3, 4 or 5 of the Immoral Traffic (Prevention) Act, 1956 (Central Act 104 of 1956) involving minors or under sections 366-A, 366-B, 372 or section 373 of the Indian Penal Code, 1860 (Central Act 45 of 1860); or

Therefore, the petitioner is not entitled to be released on parole for a period of 05 years from the date of his latest offence in terms of Section 6 (3) of the Act *ibid*. The same reads as under:-

“6 (3) Notwithstanding anything contained in sub-section (1), a hardcore convicted prisoner, who has not been awarded death penalty or life imprisonment till natural life and has completed five years of his sentence (including maximum two years under trial period), without committing any major jail offence or any cognizable offence during the last five years, shall be entitled for emergency parole or regular parole or furlough at par with convicted prisoners. Such period of five years shall be counted

from the date of his latest offence or act which falls under the category of hardcore convicted prisoner:”

Faced with the afore-noted position, learned counsel for the petitioner states that in the circumstances, he does not press the instant petition and the same may be disposed of as such.

In view of the position noted above as well as the statement of learned counsel for the petitioner, the instant petition is disposed of as not pressed.

(B.S.WALIA)
JUDGE

01.06.2023

d.gulati

(LALIT BATRA)
JUDGE

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