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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : August 11, 2023

ALTAF @ CHATWA

-Petitioner

V/S

STATE OF HARYANA AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. P.P. Chahar, Sr. DAG, Haryana.

KULDEEP TIWARI, J.

1. The petitioner, through the instant writ petition, seeks quashing of the order dated 11.05.2023 (Annexure P-1), wherethrough, the co-respondent No.2 made a declining order on his application, as moved for his being released on regular parole. Apart from the relief (supra), a further mandamus is sought to be made upon the co-respondent No.2, to enlarge the petitioner on regular parole for a period of 10 weeks, in terms of Section 3 of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (hereinafter referred to as the 'Act of 2022'), thereby enabling him to discharge his social obligations and other necessary duties.

2. Upon notice of the present motion being issued, the respondent-State filed reply, detailing therein, the criminal antecedents of the petitioner.

3. The reply (supra) make revelations that the petitioner is confined in District Jail, Karnal, to satisfy the sentence of life imprisonment, as imposed upon him. The learned District and Sessions

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Judge, Panipat, in case FIR No.109 dated 10.05.2008, registered under Sections 302, 394, 397 of the IPC, and, Section 25 of the Arms Act, made a verdict of conviction and consequent thereto order of sentence, on 25.04.2011, whereby, the petitioner has been convicted for offence(s) punishable under Sections 302, 392 and 397 read with Section 34 of the IPC, and, under Section 25 of the Arms Act. The hereinafter extracted sentence has been imposed upon the petitioner:-

Section	Imprisonment and fine	In default of payment of fine
302 read with Section 34 of the IPC	R.I. for life and fine of Rs.5,000/-	R.I. for 10 months
392 read with Section 34 of the IPC	R.I. for 7 years and fine of Rs.5,000/-	R.I. for 10 months
397 read with Section 34 of the IPC	R.I. for 10 years	-
25 of the Arms Act	R.I. for 2 years and fine of Rs.2,000/-	R.I. for 4 months

4. The reply (supra) also carries the details of cases, wherein, the petitioner has been convicted, discharged, acquitted, and, is facing trial. The brief account of such cases is depicted hereunder:-

(i)	Number of cases, which resulted in petitioner’s conviction	9 cases
(ii)	Number of cases, which resulted in petitioner’s discharge	3 cases
(iii)	Number of cases, which resulted in petitioner’s acquittal	2 cases
(iv)	Number of cases, which are pending trial qua the petitioner	6 cases

5. Moreover, insofar as the declining order (Annexure P-1) is concerned, it is revealed in the reply (supra) that the reasons which constrained the co-respondent No.2 to make such a declining order, emerged from the petitioner being a hardcore criminal, who has been booked and convicted in several cases involving serious offences. Apart from this, what weighed with the co-respondent No.2 in forming the above

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conclusion, is that during a court hearing, in respect of FIR No.121/2008, registered at P.S. Kotwali, District Faridabad, the petitioner had even escaped from police custody. Moreover, apprehension against the petitioner qua his making threats to the witnesses of cases pending against him, also appears to be one of the reasons for declining him the relief of parole.

6. Aggrieved by the declining order (Annexure P-1), the petitioner is before this Court, asking for the relief of his being released on parole. However, even if the hereinabove discussed findings of the co-respondent No.2 are kept apart, to consider the relief sought by the petitioner, yet there is no cogent premise narrated in the present petition, which may compel us to release the petitioner on parole. The petitioner has asked for the relief (supra) on the mere premise of his being enabled to discharge his social obligations and other necessary functions.

7. Furthermore, it is stated in paragraph 10 of the reply (supra), that upon an application for parole being moved by a co-accused of the petitioner, proceedings thereon have been initiated vide office letter No.5818-21 dated 16.05.2023 and a copy thereof has also been sent to the District Magistrate, Panipat, and, also to the Commissioner, Karnal Division, Karnal, for deciding the parole case. Therefore, when the matter qua grant of parole to the co-accused is subjudice before the District Magistrate concerned, a fresh case for grant of parole to the present petitioner cannot be initiated until a decision is taken in the matter of his co-accused, in view of sub-section (6) of Section 11 of the Act of 2022, which contemplates that ***“co-accused convicted prisoners shall not be granted parole or furlough simultaneously”***.

8. In view of the above, there is no illegality or perversity in the

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order (Annexure P-1), as passed by the co-respondent No.2. Consequently,
the present petition is hereby dismissed.

(SURESHWAR THAKUR)
JUDGE

August 11, 2023
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable	:	Yes/No