

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

CRWP-6881-2023

Date of decision: 14.07.2023

RAMESH KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

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

Present: Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. AG Haryana with
Mr. Saurabh Mago, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. Through Annexure P-1 as drawn by the Competent Authority, thereby the present petitioner was ordered to be released on parole for a period commencing from 05.06.2023 to 18.07.2023. Therefore, in terms of Annexure P-1, the present petitioner is required to re-step into the prison concerned, on 18.07.2023. However, in the meanwhile, as disclosed by Annexure P-2, the present petitioner has suffered a fracture on his right ankle joint.

2. Therefore, it is espoused before this Court by the learned counsel for the petitioner, that thereby he may be well forbidden to re-step into the prison concerned, on 18.07.2023. Therefore, a further prayer is made in the writ petition that the period of parole be extended.

3. The above jurisdiction is at this stage rather not exercisable by this Court, but is exercisable only by the Competent Authority. The review jurisdiction but is otherwise legally exercisable by this Court only in case a

declining order is made by the Competent Authority. Since obviously no application for the said extension of period of parole has been filed nor any declining order has been made thereons, thus by the Competent Authority, therefore the prayer made in the instant petition is mis-constituted, and, is liable to be rejected.

4. Nonetheless, in the larger interest of justice, the petitioner may not re-step into the prison concerned, only for a period of one week, and, is directed to within a period of one week make an application before the Competent Authority claiming extension of period of parole, and, on such an application being filed a valid speaking order shall be expeditiously recorded thereons.

5. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

14.07.2023
Ithlesh

(KULDEEP TIWARI)
JUDGE

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