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

CRWP-7053-2023

Date of Decision: 20.07.2023

Saurab @ Sorab

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Talim Hussain, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India praying for issuance of direction in the nature of *certiorari* for quashing of the impugned speaking order dated 14.03.2023 (Annexure P-2) whereby respondent No.3 i.e. Superintendent, District Jail, Nuh had rejected the parole application of the present petitioner.

2. Learned counsel for the petitioner has submitted that earlier also the petitioner had filed a petition before this Court and further submitted that the wife of the petitioner is suffering from medical illness and a Co-ordinate Bench of this Court vide Annexure P-1 had directed the Superintendent of Jail to decide the prayer of the petitioner for grant of parole within time bound manner and consequently, the impugned order (Annexure P-2) was passed. He further submitted that the wife of the petitioner is actually not well and there are prescription slips pertaining to ultra sound etc. and he is already on bail in the other cases, in which he is involved and therefore, he is

entitled for grant of parole.

3. On the other hand, Mr. Sarabjit Singh, DAG, Punjab has stated that he has received an advance copy of the present petition and has gone through the same and has also got instructions in this regard. He submitted that it is a case where the petitioner is not entitled for grant of parole on two grounds. Firstly, he is a hardcore prisoner under Section 2 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 and secondly, he had earlier also filed a petition before this Court and has stated that on the ground of medical illness of his wife, his application for parole may be considered for which necessary directions were issued by a Co-ordinate Bench of this Court vide Annexure P-1 to the Superintendent of Jail to decide the application of the petitioner for grant of parole and this issue was specifically dealt with by the Superintendent of Jail vide impugned order in which it has been so stated that the medical illness of the wife of the convict, who is the present petitioner, was verified and as per the report her wife is residing in her maternal home and further stated that she is not stated to be seriously ill and is not admitted in any hospital and presently she has gone to village Narwari for agricultural work.

4. Learned State counsel further submitted that it has also been observed by the Superintendent of Jail vide impugned order that the latest offence of the petitioner falls under the category of hardcore convicted prisoner and the latest offence of the said convict is committed on 11.11.2020, and therefore, he will be entitled for grant of emergency parole or regular parole or furlough only after completion of five years of imprisonment from 11.11.2020 in terms of Section 6(3) of the Haryana

Good Conduct Prisoners (Temporary Release) Act, 2022.

5. I have heard the learned counsels for the petitioner.

6. The petitioner had earlier approached this Court by filing a petition in which a Co-ordinate Bench of this Court disposed of the same by directing the Superintendent of Jail to decide the grievance of the petitioner wherein the petitioner had filed the aforesaid petition for grant of parole for two months on the ground of medical illness of his wife. Thereafter, vide impugned order dated 14.03.2023, the Superintendent of Jail, Nuh has passed the impugned order by specifically recording that wife of the petitioner is not stated to be seriously ill and is not admitted in any hospital and rather has gone to village Narwari for agricultural work after due verification in this regard. No such perversity can be found in the aforesaid finding of the Superintendent of Jail based upon verification. Some medical documents pertaining to the wife of the petitioner has also been attached with the present petition. However, the same appear to be from a private hospital and there is not ground for doubting the observations made by the Superintendent of Jail, Nuh pertaining to the medical fitness of the wife of the petitioner. Apart from the above, as per the learned State counsel and as per the impugned order passed by the Superintendent of Jail, the petitioner is not entitled for grant of emergency parole or regular parole or furlough in terms of Section 6(3) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 in view of the fact that latest offence of the petitioner falls in the category of hardcore convicted prisoner and the date of the same is 11.11.2020 and after completion of five years of imprisonment from the aforesaid date, he will be considered to be entitled for the same and five

years have not yet expired. The provision of Section 6(3) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 is reproduced 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:

Provided that a hardcore convicted prisoner who has been sentenced for imprisonment till natural life shall be eligible for emergency parole or regular parole at par with convicted prisoners only after completion of seven years of imprisonment after conviction:

Provided further that if the hardcore convicted prisoner so released temporarily violates any condition of parole or furlough or commits any cognizable offence, he shall be debarred from such release for next three years.”

7. In view of the above, there is no illegality or perversity in the orders passed by the Superintendent of Jail, Nuh in this regard. Consequently, the present petition is hereby dismissed.

20.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No