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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-8328-2023 (O&M)
Date of Decision:08.11.2023

Anil

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Dr. Bandana Trikha Sachdev, Advocate, for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for setting aside the order dated 05.07.2023 (Annexure P-1) passed by the Superintendent of Prison by which the application for grant of parole filed by the petitioner has been rejected.

2. Learned counsel appearing on behalf of the petitioner through video conferencing has submitted that the aforesaid order is liable to be quashed because the Superintendent of Prison has no authority to decline the parole and the competent authority in the State of Haryana to decide the application for parole under the Haryana Good Conduct Prisoners (Temporary Release), Act, 2022 is the District Magistrate.

3. Mr. Vishal Kashyap, DAG, Haryana has submitted that the competent authority for deciding the application for parole in the State of

Haryana is the District Magistrate and not the Superintendent of Prison.

4. I have heard the learned counsel for the parties.

5. The reason for declining the parole in the present case was that the petitioner has not fulfilled the condition of one year under Section 3(3) of the Haryana Good Conduct Prisoners (Temporary Release), Act, 2022 after his re-admission. However, the learned counsel for the petitioner has submitted that as per the aforesaid provision, one year period is to be counted after the conviction and not after the re-admission and there is erroneous appreciation of legal provision by the Superintendent of prison. Apart from the above, as per the learned counsel for the parties, the competent authority to decide the parole application is the District Magistrate whereas the present impugned order has been passed by the Superintendent of prison which appears to be without jurisdiction.

6. In view of the above, the present petition is allowed. The impugned order dated 05.07.2023 is hereby set aside. The District Magistrate, Jhajjar is directed to decide the application of the petitioner for grant of parole within a period of three weeks from today in accordance with law.

7. Copy of this order be supplied by the learned State counsel to the District Magistrate, Jhajjar.

08.11.2023

rakesh

(JASGURPREET SINGH PURI)

JUDGE

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