

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

CRWP-10835-2022

Date of Decision: February 01, 2023

ANIL MITTAL

....Appellant(s)

VERSUS

STATE OF HARYANA AND OTHERS

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Saurabh Mago, AAG, Haryana.

G.S. SANDHAWALIA, J.(ORAL)

An affidavit of Superintendent, District Jail, Karnal has been filed wherein, it has been mentioned that Sukhbir Singh @ Kala, the co-convict was granted the benefit of parole from 16.12.2022 to 21.01.2023. Now, the case of the petitioner has been initiated and sent to the District Magistrate, Karnal, for report/recommendation and also to the Commissioner, Karnal Division, Karnal to decide the parole case. In compliance of the earlier order also the communication dated 29.08.2022 (Annexure-R-I) from the Divisional Commissioner, Karnal Division, Karnal addressed to the Superintendent District Jail, Karnal, has also been appended wherein it has been clarified that, wherein more than one prisoners are undergoing the sentence, the application should not be sent to the office unless the first prisoner surrenders at the jail after availing his parole. However, the Superintendent of the Jail had filed the application on 09.11.2022 rather than keeping it pending. It was in such circumstances we have passed the order on 19.01.2023 which is reproduced as under:-

*“Counsel for the State prays for time to find out that when
the co-convict Sukhbir Singh @ Kala is to surrender as he*

has stated to be availing parole as per the stand taken in the written statement. He shall also take instructions regarding the procedure which is to be followed in view of Section 11(6) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, which provides that ordinarily, co-accused convicted persons shall not be granted parole or furlough simultaneously. The authorities, thus, have to see that the application should not be filed by the authorities which has been apparently done in the present case on 09.11.2022 because one co- convict Balwant was also on parole (Annexure R-1). Such situation would lead to the convicts as such to file fresh application instead of keeping them pending to await the surrender of the co-convict. Adjourned to 01.02.2023.”

Accordingly, the present petition has become infructuous and is disposed of with direction to competent authority to take a decision on the request of parole within a period of 04 weeks. However, necessary directions be issued to the concerned authorities to ensure that applications be not filed but shall be kept pending in case the co-convict is on parole as it cause hardship since they have to file repeated applications for the same purpose.

Copy of the said order be sent to the DGP (Prisons) for necessary compliance and circulation to the concerned.

Petition stands disposed of with aforesaid directions.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

01.02.2023
sangeeta

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