

In the High Court of Punjab and Haryana at Chandigarh

(102)

**CRWP No. 1107 of 2024
Date of Decision: 7.2.2024**

Sukhdev Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Govind Chauhan, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Pradeep Prakash Chahar, Sr. DAG, Haryana,

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner becomes aggrieved from the declining order (Annexure P-1) made on his application, whereby he claimed qua his being released on parole from the prison concerned.
2. A reading of the declining order (Annexure P-1) reveals, that it is well banked upon an appraisal being made on the relevant statutory provisions, as embodied in Section 6 (3) (1) of the Haryana Prisoners Good Conduct (Temporary Release) Act, 2022. Since the present petitioner became convicted for a charge drawn against him under the NDPS Act. Moreover, when the order of sentence was pronounced, upon him on 27.7.2022, by the learned Additional Sessions Judge, Sirsa. Therefore, when the conviction suffered by the petitioner is for a charge drawn against him for his possessing the commercial quantity of the apposite seizure, thereby since the verdict of conviction made, upon him by the learned Additional Sessions Judge, Sirsa, upon FIR No. 194 dated 19.7.2018, under Section 22-

Sirsa, makes the petitioner to fall in the category of hardcore prisoner. Since, in respect of a hardcore prisoner, there is a statutory prescription in the Act (supra), that unless he undergoes the sentence in the prison concerned, for a period of three years, thus computed from the date of the making of the order of sentence, thereupon he shall not be entitled for emergency parole or regular parole. Consequently, when the order of sentence made upon the convict/petitioner was so made on 27.7.2022. Moreover, when a period of three years to be computed from the date of the making of the order of sentence, rather was required to be spent in prison by the convict, for thereby his becoming entitled to the facility of parole, whereas, the petitioner not spending the above term in the prison. Therefore, this Court is not inclined to interfere with the declining order, as made on the application for parole preferred by the petitioner, before the competent authority concerned.

3. Consequently, this Court does not find any merit in the instant petition, and, is constrained to dismiss it. Accordingly, the instant petition is dismissed. The impugned order (Annexure P-1) is maintained, and, affirmed.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

February 07, 2024
Gurpreet

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