



CRWP-1910-2024 (O&M)

1

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

**CRWP-1910-2024 (O&M)
Date of decision: 14.11.2024**

SHAMSHER SINGH

... PETITIONER

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rupender Singh Rana, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

SUMEET GOEL, J.

1. This criminal writ petition has been filed by the petitioner seeking the setting aside of the impugned order dated 18.10.2023, passed by the Divisional Commissioner, Hisar, Haryana, whereby the plea of the petitioner for release on parole, under the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, has been rejected. The petitioner has further prayed for his release on parole for six weeks on the ground that he is required to build a house for himself.

2. Learned counsel appearing on behalf of the petitioner, pleads that, as per the Jail Manual adopted by the State of Haryana, the convicts are entitled to the grant of parole for 28 days for domestic repairs and 42 days for looking after their land. It is

**CRWP-1910-2024 (O&M)**

2

pleaded that the petitioner is entitled to avail the parole for 28 days, as applied to the authorities, as per the rules. During the custody, the act and conduct of the petitioner remained peaceful throughout, and the petitioner has never committed any violation of any provision of the Jail Rules, still, the parole has been illegally declined by the Divisional Commissioner.

3. The petitioner is undergoing life imprisonment having been convicted in case FIR No.143 dated 17.02.2015, registered at Police Station City Hansi under Sections 376(2)(F), 376(2)(N), 506 of IPC and Section 8 of the POCSO Act by the Additional Sessions Judge, Hisar, vide judgment dated 06.08.2015. His appeal against conviction and sentence, bearing number CRA-D-1494-DB of 2015, filed before this Court, was dismissed on 02.12.2022.

4. Learned counsel appearing on behalf of the petitioner has submitted that he is required to be released on parole for six weeks in order to build a house for himself. However, besides this bald assertion, which is portrayed as the ground for seeking parole, nothing substantive in support of his said claim has been placed on record of the case.

5. Refuting the claim of the petitioner for release on parole, it is submitted on behalf of the State of Haryana that the petitioner is not entitled to be released on parole, as the petitioner has failed to substantiate the ground pleaded by him seeking his release on parole. It is further submitted that, as per Section 6(3) of the Haryana Good

**CRWP-1910-2024 (O&M)**

3

Conduct Prisoners (Temporary Release) Act, 2022, a convict who has not been awarded the death penalty or imprisonment for life till natural life, after completion of 5 years of his sentence (including a maximum of two years under the trial period), shall be entitled to avail parole. However, the petitioner has failed to make out any case for his release in the facts of the case. It is stated that the address provided by the petitioner in his parole application could not be verified. It is further submitted that the wife of the petitioner, in her statement to the police, has stated that in case the petitioner is released on parole, then she along with her children would have a threat to their life at the hands of the petitioner, as the case in which the petitioner has been convicted was got lodged by them only. It is submitted that, in view of these facts, respondent No.3, being a competent authority, has validly rejected the request of the petitioner for release on parole.

6. I have heard the learned counsel for both the parties and have gone through the case record carefully.

7. Perusal of the criminal writ petition filed by the petitioner shows that he has not placed any material or document on record of the case, except for the impugned order, whereby his request for parole was rejected by respondent No.3. In the absence of his application seeking parole filed by him before the State Authorities, this Court is constrained to rely on the pleadings on behalf of the parties only while evaluating the merits of the claim of

**CRWP-1910-2024 (O&M)**

4

the petitioner. In para 6 of the criminal writ petition, it is pleaded on behalf of the petitioner that he seeks release on parole for a period of 6 weeks, for the purpose of building a house for himself. However, a totally bald plea in this regard is bereft of any details qua the land or address on which the petitioner seeks to build a house for himself. The petitioner has mentioned his address in the criminal writ petition as “Resident of Hanuman Colony, Hansi, City Hansi, Hisar, Haryana.” In the impugned order rejecting the request of the petitioner’s release on parole, it is mentioned that in the investigation carried out by the Incharge, Police Station City Hansi, the petitioner is not found to have been residing at Sarai Pull, Hansi. As such the address mentioned by the petitioner was not verified. Despite this clear finding, having been recorded in the impugned order the petitioner has not sought to challenge the same on the strength of any cogent documentary material. Rather, a different address has been conveniently mentioned in the criminal writ petition, which is ex-facie an incomplete address. In view of the same, the petitioner has palpably failed to prove the ground of requirement for building a house for himself as portrayed in the parole application.

8. Perusal of Section 6(3) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 makes it abundantly clear that the same being the enabling provision for the petitioner to claim his release on parole, does not bestow unbridled and unfettered right of release on the petitioner. The ground mentioned in the parole

**CRWP-1910-2024 (O&M)**

5

application of the petitioner having been found false by the competent authority after due verification, the petitioner in my considered opinion has no right to be released on parole.

9. However, with regard to the other reason mentioned in the impugned order rejecting the parole application of the petitioner i.e., the threat to life as apprehended by the wife of the petitioner in the event of his release, in my considered opinion the bald statement of the wife of the petitioner in this regard cannot be made the basis to frustrate the right of the petitioner to claim the right to be released on parole, subject to fulfillment of the terms and conditions as enshrined in the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022. The respondents have not carried out any investigation and have not collected any tangible material to assess the effectiveness of threat perception as put forth by the wife of the petitioner. The wife of the petitioner, as per her own showing having acted as an adversary to the petitioner in the criminal trial against him, the threat as perceived by her is required to be assessed with a degree of caution by the respondents, which activity on the part of the respondents is clearly missing in the present case. The respondents have not placed any material on record regarding the vulnerability of the wife or her family members or the capacity on the part of the petitioner to cause any harm to them, for the scrutiny of this Court.

10. In view of the above findings, the present criminal writ petition is dismissed, and consequently, the prayer of the petitioner



CRWP-1910-2024 (O&M)

for his release on parole is declined. However, it is made clear that the dismissal of the present writ petition would not, in any manner, preclude the petitioner from claiming his temporary release from imprisonment as per law, in the future, on the basis of truthful, substantiated, verified and cogent grounds, making him entitled to the grant of parole.

(SUMEET GOEL)
JUDGE

November 14, 2024
jatin

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