

2024:PHHC:050873-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227

CRWP-3094-2024

DATE OF DECISION: 16.04.2024

HARENDER @ HARERA

... Petitioner (s)

Versus

STATE OF HARYANA AND ORS

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE KIRTI SINGH**

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

Mr. Rahul Dev Singh, Addl. AG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking a direction to the respondents to grant him regular parole for a period of 10 weeks.

2. Learned counsel for the petitioner submits that the petitioner has filed an application for grant of regular parole but the same has not been decided by the competent authority. He also submits that the petitioner had been convicted in FIR No.177 dated 22.05.2012, registered under Sections 147, 148, 149, 323, 324, 307, 302 IPC and Section 25 of the Arms Act at Police Station Hodal, District Palwal and sentenced to undergo imprisonment for life. The petitioner was found to be in possession of a mobile phone for which a case under Section 42A of the Prisons Act was registered against him and in the trial, he was acquitted. He, therefore, submits that after his acquittal in the case, the recovery of a mobile phone cannot be held against

him to deny him the benefit of regular parole on the pretext of the order being judicially appraised by the Sessions Judge. In support of his submission, he has relied upon the judgment of the Division Bench of this Court in the case of **Ajay versus State of Haryana and others** bearing CRWP No.866 of 2017, decided on 01.09.2017.

3. Learned State counsel submits that the petitioner has not filed any application before the competent authority and in the event of his doing so, the same shall be considered and decided in accordance with law.

4. Heard.

5. The petitioner would be at liberty to prefer an application before the competent authority and the petition is disposed of with the direction to the respondents that in the event of the petitioner doing so, the competent authority shall consider and decide the same in accordance with law in the light of the judgment of the Division Bench of this Court in the case of **Ajay Vs. State of Haryana and others, CRWP No.866 of 2017**, decided on 01.09.2017.

(ANUPINDER SINGH GREWAL)
JUDGE

(KIRTI SINGH)
JUDGE

16.04.2024

SwarnjitS

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