



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR-944-2023(O&M)

Date of Decision:-09.05.2024

Karan Singh.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Navdeep Singh, Advocate for
Mr. R.S. Dhull, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

CRM-16060-2023

The prayer in the application under Section 5 of the Limitation Act read with Section 482 Cr.PC is for condonation of delay of 3334 days in filing the present revision petition.

Heard.

For the reasons stated in the application the same is allowed and delay of 3334 days in filing the present revision petition is condoned.

CRR-944-2024

The instant revision petition has been preferred by the petitioner-accused against the judgment dated 25.11.2023 passed by the Additional Sessions Judge, Bhiwani whereby the judgment of conviction and order of sentence dated 11/13.11.2010 passed by Judicial Magistrate, Ist Class, Charkhi Dadri has been upheld.

The brief facts of the case are that while the petitioner was



undergoing life imprisonment in case FIR No.02 dated 07.01.2005 under Sections 302, 34 IPC P.S. Sadar Dadri, he was released on Parole for 06 weeks on 21.04.2010 and was to surrender on 03.06.2010. However, he did not surrender in the jail on the date fixed and accordingly a complaint was made by the Superintendent Jail, Bhiwani on the basis of which an FIR No.224 dated 17.06.2010 under Sections 8/9 H.G.C.P. Act P.S. Sadar Dadri came to be registered against the petitioner.

3. After the completion of the investigation report under Section 173(2) Cr.PC was filed. Charges came to be framed and on the culmination of the trial the petitioner came to be convicted and sentenced by the Court of Judicial Magistrate Ist Class, Charkhi Dadri as under:-

Sr. No.	Offences under Section	Imprisonment	Fine	In default of fine imprisonment
1.	Sections 8/9 of HGCP Act	RI for 02 years	Rs.2000/-	RI for 031 Months

4. The petitioner preferred an appeal bearing Criminal Appeal No.102 of 2011/2012 before the Court of Additional Sessions Judge, Bhiwani, which came to be dismissed vide judgment dated 25.11.2013.

5. The aforementioned judgments are under challenge in the present revision petition.

6. The counsel for the petitioner contends that the petitioner was to appear on 03.06.2010 but on the said date another FIR No.208 dated 03.06.2010 under Sections 332, 353, 186, 506 IPC P.S. Sadar Dadri was registered in which case he had been acquitted vide judgment dated 18.08.2015. As his non appearance before the Jail Authorities was for reasons beyond his control, the judgments of conviction were liable to be set aside.

7. The Counsel for the State on the other hand contends that as per



the judgment dated 25.11.2013, the petitioner was arrested on 17.06.2011. However, as per the judgment of acquittal dated 18.08.2015 in FIR No.208 dated 03.06.2010, he had been arrested in October 2010. In either scenario he had ample opportunity to surrender before the Jail Authorities either on 03.06.2010 or any date soon thereafter. He however chose not to do so. Therefore, as it was a clear case of misuse of the concession of Parole, the present petition was liable to be dismissed.

8. I have heard learned Counsel for the parties.
9. A perusal of the record would reveal that the petitioner was arrested in October 2010 in FIR No.208 dated 03.06.2010 or on 17.06.2011 in the instant FIR. Be that as it may, the petitioner did not surrender before the Jail Authorities on 03.06.2010 or any date soon thereafter without any justifiable reason. Therefore, the offence stands established beyond any reasonable doubt.
10. In view of the above discussion, I find no reason to interfere with the well-reasoned judgments of the Trial Court and the Lower Appellate Court. Therefore, the present revision petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 09, 2024
Vinay

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