

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

105

CRWP-3846-2024 (O&M)

Date of order: 01.05.2024

RamPal @ Bunda

.....Petitioner(s)

Vs.

State of Haryana & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Garima Sharma, Advocate
for the petitioner.

Mr. Ranvir Singh Arya, Addl. AG Haryana.

Nidhi Gupta, J.

Prayer in the present petition filed under Article 226/227 of the Constitution of India read with Section 3(1)(d) of Haryana Good Conduct Prisoners Temporary Release Act, 1962, is for grant of regular parole for 10 weeks to the petitioner to meet his family members; **and** for setting aside the speaking order dated 08.12.2023 passed by the Superintendent, Divisional Commissioner, Ambala Division, Ambala (Respondent No.2).

2. It is inter alia submitted by learned counsel for the petitioner that the petitioner was sentenced to undergo rigorous life imprisonment in case FIR No.36 dated 19.02.2005 registered under Sections 302 and 376 IPC at Police Station Shahzadpur, Ambala. Learned counsel states that the petitioner has already undergone 16 years of sentence; and accordingly, the petitioner had applied for regular parole of 10 weeks to the Superintendent, Central Jail, Ambala. However, vide order

dated 08.12.2023 (Annexure P1), the said prayer of the petitioner has been declined by Divisional Commissioner, Ambala Division, Ambala. It is submitted that Haryana Good Conduct Prisoners Temporary Release Act, 1962 is reformatory and therefore, the petitioner be granted regular parole of 10 weeks so that he is able to meet his family members.

3. Learned State Counsel files custody certificate dated 30.04.2024, which is taken on record. He opposes prayer made on behalf of the petitioner and submits that the petitioner was earlier also released on parole. However, the petitioner did not surrender in time before the Jail Authorities. It is stated that therefore, it is apprehended that if further concession is again granted to the petitioner, he would misuse the same as there is possibility of the prisoner not appearing at scheduled time and date.

4. I have heard learned counsel for the parties and perused the case file in great detail.

5. Perusal of record of the case shows that the petitioner was previously released on special parole of 6 weeks vide order dated 18.04.2020, which was extended from time to time and finally, the petitioner was directed to surrender in the jail on 24.04.2021. However, the petitioner surrendered 7 months after the stipulated date only on 23.11.2021. It is admitted by learned counsel for the petitioner that in this respect FIR No.87 dated 19.05.2021 was registered against the petitioner under Section 8/9 Haryana Good Conduct Act, 1988 at Police Station Baldev Nagar, in which the petitioner was subsequently acquitted on 20.09.2023. It is for this reason that the District Magistrate and the Superintendent of

Police have not recommended approving parole application of the petitioner.

6. Custody certificate shows that besides the above said instance, the petitioner has misused concession of parole on three other occasions i.e. April 26, 2021 to November 23, 2021; August 23, 2012 to August 24, 2012; and December 9, 2009 to December 10, 2009. In total, the petitioner has availed parole of 99 weeks and 1 day i.e. 1 year 11 months and 4 days. The same is not disputed by learned counsel for the petitioner.

7. In view of the above, present petition is **dismissed**.

8. Pending application(s) if any also stand(s) disposed of.

01.05.2024
Sunena

(Nidhi Gupta)
Judge

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