



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

CRWP-3999-2024 (O&M)
Date of Decision : 18.09.2024

VINOD @ JITENDER @ DHILLA

.....Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Satbir Singh Kanwar, Advocate
for the petitioner(s).

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Article 226 of the Constitution of India, prayer is made to quash the order Annexure P-2, whereby, an application for grant of an emergency furlough/parole for 28 days, under Section 4(1) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (hereinafter referred to as the 'Act of 2022'), filed by the present petitioner, has been declined.

2. In the instant case, the petitioner was granted parole on 17.03.2022, for six weeks, and he was required to surrender on 29.04.2022, however, he was arrested by the local police in case FIR No. 130, dated 24.04.2022, under Section 25(1B)(A) of the Arms, registered at Police Station Sector-6, Bahadurgarh, District Jhajjar. He was also

involved in another case, i.e. FIR no.398, dated 11.12.2022, under Sections 302, 307, 34, 120-B, 216, 379 and 411 of the IPC, and under Sections 25/27 of the Arms Act, registered at Police Station Badli, District Jhajjar.

3. Considering the facts of above two FIRs, and while relying upon the provisions of Section 6(3) of the Act of 2022, the competent authority declined to grant the relief of parole to the present petitioner, vide impugned order (*supra*).

4. In an attempt to challenge the impugned order (*supra*), learned counsel for the petitioner submits that case FIR no.130 dated 24.0.2022 (*supra*), was registered against him, when he was on parole, in that case he has earned acquittal on dated 11.07.2023, therefore rigor of Section 6(3) of the Act of 2022, would not come in his way to seek the relief of parole.

5. On the other hand, learned State counsel opposed the grant of asked for relief (*supra*), to the present petitioner as the petitioner is a habitual offender and hardcore criminal.

6. This Court has examined, the submissions made by the learned trial court concerned, and finds no illegality and perversity in the impugned order for the hereinafter extracted reasons:-

- i. In the instant case, when the petitioner was behind bars, another FIR bearing no.398 of 2022 (*supra*), was registered against him, and in that case the petitioner is facing trial and till date no final order has been passed in the said FIR.

ii. The term 'hardcore convict prisoner' as defined under Section 2(1)(g)(vi) of the Act of 2022, reads as under:-

“(vi) who commits a cognizable offence punishable with imprisonment for a period of seven years or above during confinement in the jail or during his temporary release under this Act.”

A perusal of the above reflects that in case any person during confinement in the jail, or during his temporary release under the Act of 2022, commits a cognizable offence punishable with an imprisonment for a period of 07 years or above or death penalty, would be considered as 'hardcore convict'. In the instant case, undoubtedly the petitioner is facing trial in FIR no.398 of 2022 (*supra*) for the commission offence punishable under Sections 302 and 307 IPC, wherein, the punishment is prescribed is imprisonment for life, and in certain cases sentence of imprisonment for a term over and above 7 years, and the said offences have been committed while he was confined in the jail. Therefore, in view of the above definition the petitioner is a hardcore convict.

iii. Further Section 6(3) of the Act of 2022, imposes a restriction of 5 years from the latest offence, which reads as under:-

“(3) Notwithstanding anything contained in sub-section (1), a hardcore convicted prisoner, who has not been awarded death penalty or life imprisonment till natural life and has completed five years of his sentence (including maximum two years under trial period), without committing any major jail offence or any cognizable offence during the last five years, shall be entitled for emergency parole or regular parole or furlough at par with convicted prisoners. Such period of five years shall be counted from the date of his latest offence or act which falls under the category of hardcore convicted prisoner:

Provided that a hardcore convicted prisoner who has been sentenced for imprisonment till natural life shall be eligible for emergency parole or regular parole at par with convicted prisoners only after completion of seven years of imprisonment after conviction:

Provided further that if the hardcore convicted

prisoner so released temporarily violates any condition of parole or furlough or commits any cognizable offence, he shall be debarred from such release for next three years.”

7. In view of the above, the application of the present petitioner has rightly been rejected by the competent authority concerned. Hence, there is no merit in the instant petition, which is consequently, **dismissed**.
8. All pending application(s), if any, stand **disposed** of accordingly.

September 18, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No