

2024:PHHC:137690



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

**CRWP-6424-2024
DECIDED ON: 21.10.2024**

SANTRO

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Articles 226/227 of the Constitution of India seeking quashing of impugned speaking order dated 26.06.2024 (Annexure P-4) vide which the application seeking extension of parole till last breath has been declined with further prayer for grant of extension of parole till last breath to the petitioner beyond the period already granted vide order dated 10.04.2024 (Annexure P-4).

2. Learned State counsel has contended that there is no provision for grant of parole for an indefinite period. He further contends that the case for parole for an indefinite period is granted to only those convicts who suffer from a terminal disease which is likely to result in death in the near future. In this regard, he has placed on record notification dated 30.12.2022 issued by the Haryana Government, Jail Department. He relies upon Rule 187 (2) (d) of Haryana Prison Rules, 2022, which reads as under:-

“187	(1)	XXX	XXX	XXX
	(2)	XXX	XXX	XXX
		Category	Nature of offence & Premature Release	Case
			other factor	when considered
	(a)	XXX	XXX	
	(b)	XXX	XXX	
	(c)	XXX	XXX	
	(d)	Convicts who suffer from a terminal disease which is likely to result in death in the near future		
		On the report of a Board of Doctors of an authorized Medical Institution.		

3, In the light of above, learned counsel for the petitioner does not want to press this petition any further and undertakes that the petitioner shall surrender before the Jail Authorities concerned by tomorrow at 5.00 PM.

4. Without commenting anything on the merits of the case, the present petition is disposed off, with a direction to the petitioner to move an application/representation before the competent authority seeking his release on parole in the light of Rule 187 (2) (d) of Haryana Prison Rules, 2022. In case such an application is filed by the petitioner, the same shall be considered and decided by the competent authority, within a period three days from the date of its receipt, after obtaining opinion of the Medical Board Constituted by Civil Surgeon, Hisar. The decision on the representation/application moved by the petitioner shall be taken on or before 28.10.2024.

(SANDEEP MOUDGIL)
JUDGE

21.10.2024

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