

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

252

CRWP-9198-2023
Date of decision : 29.01.2024

Sonu @ Bakri **Petitioner**

versus

U.T. of Chandigarh and others **Respondents**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. H.P.S. Ishar, Advocate
for the petitioner.

Mr. P.S. Paul, Addl. P.P., U.T. Chandigarh.

PANKAJ JAIN, J. (Oral)

1. Present petition is directed against order dated 30.05.2022, wherein the application filed by the petitioner for grant of parole stands rejected.
2. The petitioner is a convict in FIR No.642 dated 25.11.2023, whereby he has been sentenced to undergo R.I. for a period of 10 years and to pay a fine of Rs.5,000/-. The petitioner preferred application seeking parole for 28 days which stands rejected vide impugned order. The precise reason assigned in the impugned order is that the petitioner is hardcore criminal and is involved in many criminal cases. Thus, he can be dangerous to the security of State and prejudicial to the maintenance of the public order.
3. While assailing the said order, counsel for the petitioner submits that the term ‘hardcore criminal’ is defined under The Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 1962. He submits that neither the petitioner is a convict for offence of rape with murder under the

2024:PHHC:017322

relevant provisions of Penal Code, nor has been convicted for offence punishable under Section 14 of the POCSO Act, 2012. Thus, the petitioner cannot be termed as hardcore criminal to deny relief of benefit. He further submits that there is no material on record to show that the petitioner can be dangerous to the security of State and prejudicial to the maintenance of the public order.

4. Mr. Paul however submits that the petitioner is a history sheeter with more than 13 convictions and 12 other trials which though resulted in acquittal/discharge, but the fact remains that the petitioner is a threat to the society.

5. Having heard rival contentions of the parties and after going through the records of the case, this Court finds that the submission made by counsel for the petitioner that the petitioner cannot be termed as hardcore criminal to deny him relief of parole merits acceptance.

6. Coming on to the question whether the petitioner is a threat to society or not, this Court finds that though in the impugned order, the authority has reproduced the word as contained in the statute, however there is no reason on record which can support such satisfaction.

7. Resultantly, the present petition is disposed off. Impugned order dated 30.05.2022 is hereby set aside. Authority is directed to reconsider the claim of the petitioner within a period of four weeks from the date of receipt of certified copy of the order.

(PANKAJ JAIN)
JUDGE

29.01.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No