

2024.PHHC:163062



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRWP-8843-2024****DECIDED ON: 28.10.2024****MAYANK CHAUDHARY****.....PETITIONER****VERSUS****STATE OF HARYANA AND OTHERS****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for setting aside the order/communication dated 22.05.2024 (Annexure P-1) passed by The Superintendent of Jail, District Jail, Gurugram vide which the request of the petitioner to release him on parole has been declined. Further prayer has been made for issuance of a writ in the nature of *Mandamus* directing respondent No.2 to grant the petitioner regular parole for ten weeks in view of Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022.

2. Learned counsel for the petitioner has contended that the petitioner is entitled for regular parole in view of Section 3 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022. It is further contended that once there is no legal impediment, then petitioner be granted the time of 10 weeks, as mentioned in the statute, so that he can finish his entire work as per his need. The

submission on behalf of the petitioner is that he got married during parole and there is nobody in his family to look after his wife, who is a house-wife and is not able to earn her livelihood by herself.

3. Learned State counsel has contended that the petitioner was previously granted 10 days of parole, from 10.06.2020, till 21.06.2020, by this Court by an order dated 09.06.2020, which was passed in CRWP-2323-2019 (Annexure P-2). On 22.06.2020, he was supposed to surrender back in the concerned jail; however, he failed to do so and evaded parole for 3 years, 7 months, and 9 days. As a result, FIR No. 269, dated 05.07.2020, stands registered at Police Station Palam Vihar, Gurugram, under Section 8/9 HGCP Act against the petitioner. According to Section 2(1)(g)(v) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, the petitioner has been classified as a *"hardcore convict prisoner"* since he has remained absconded from 22.06.2020, to 30.01.2024.

4. Heard learned counsel for the parties at length.

5. In accordance with Section 2(1)(g)(v) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (henceforth referred to as the "Act"), the authorities have correctly denied the petitioner's parole request since he falls into the Hardcore category. Relevant provision of the Act reads thus:-

"2(1)(g)(v) - who fails or failed to surrender himself within a period of ten days from the date on which he should have so surrendered on the expiry of the period of parole or furlough for which he was released."

The petitioner has been classified as a *"hardcore convict prisoner"* since he remained abscond for 3 years, 7 months, and 9 days, from 22.06.2020, to 30.01.2024. Furthermore, in accordance with Sub section 3 of Section 6 of the Act, a parole case may be started five years after the most recent offence or act that

not yet reached the five-year mark since the latest offence, which was committed on 31.01.2024.

6. In the light of above, this Court is not inclined to grant the petitioner regular parole for ten weeks. Hence, the present petition stands dismissed being devoid of any merits.

28.10.2024
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>