

**CRWP-4791-2024****-2-**

against him by the jurisdictional police authorities. Petitioner, thereafter, moved an application seeking regular parole which stands rejected vide the impugned order dated 09.05.2024 (Annexure P-1) by holding that the petitioner having violated the conditions of parole earlier in time, does not deserve the relief of parole and the brothers of the petitioner apprehend threat and further, in case, the petitioner is released on bail, he could pose danger to the life and liberty of his brothers as apprehended by them.

Learned counsel for the petitioner relies upon Section 6(3) of the Parole Act, 2022 to submit that the petitioner having completing 05 years of sentence without committing any major jail offence or any cognizable offence during the last 05 years. He further submits that as per the reply also the case of the petitioner stands admitted by the respondents.

He further submits that the case of the petitioner is squarely covered by the judgment of this Court passed in 'Phool Kumar Vs. State of Haryana and others' CRWP-1350-2022 and also 'Rajiv @ Bobby Vs. State of Haryana and others' CRWP-3180-2024.

Per contra, the learned State counsel submits that the petitioner is a habitual offender and the competent authority has rightly rejected the case of the petitioner for premature parole as he is a threat to society and he does not deserve temporary release on regular parole as he is a hardcore prisoner.

Having heard learned counsel for the parties and after carefully examining the record of the case, it transpires that the petitioner has completed 05 years of custody without committing any jail offence or cognizable offence during the last 05. It is an admitted case that the petitioner was arrested on 07.07.2017 and 05 years as provided under Section 6(3) of the Parole Act, 2022



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has expired on 06.07.2022 and further no reasoning has been assigned in the impugned order but only bald assertions are there that the petitioner does not deserve bail for security reasons. The impugned order is passed in a mechanical manner without any application of mind. Even under the proviso of Section 6(3) of the Parole Act, 2022 hardcore prisoner who has been sentenced for imprisonment of life till natural life, shall be eligible for emergency parole or regular parole at par with convicted prisoners after completion of seven years of imprisonment after conviction, whereas, the petitioner has not been sentenced to imprisonment of life till his natural life, as such, he becomes eligible on completion of 05 years' imprisonment seeking regular parole. In view of the judgment passed by the Coordinate Bench of this Court in ***Phool Kumar (supra)*** and ***Rajiv @ Bobby (supra)*** and also the provisions contained under Section 6(3) of the Parole Act, 2022, the impugned order dated 09.05.2024 (Annexure P-1) is hereby set aside. The competent authorities are directed to decide the application afresh within a period of 10 days from the date of receipt of certified copy of this order.

Disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

21.01.2025

Neha

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