



245

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

CRWP-4689-2025

Date of decision: 08.07.2025

Joginder Singh

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Harkesh Kumar, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present criminal writ petition has been filed under Article 226 of the Constitution of India for quashing the order dated 25.04.2025 (Annexure P-3), whereby, the application submitted by son of the petitioner for grant of 10 weeks' parole leave under Section 3 of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (hereinafter referred to as 'Act of 2022') in case bearing FIR No.320 dated 20.05.1997 under Sections 15/16 of NDPS Act registered at Police Station Rania, District Sirsa, has been rejected and further, for issuance of directions to the respondents to release the petitioner on regular parole leave for 10 weeks.

Learned counsel for the petitioner submits that the FIR (*supra*) was registered in the year 1997 and the petitioner is currently undergoing sentence in Central Jail, Hisar. He further submits that the prayer made by the petitioner for his temporary release has been rejected by relying upon the provisions contained in Act of 2022. In support of his contention, he relies upon the judgment passed by the Division Bench of this



CRWP-4689-2025

-2-

Court in CRWP No.1517 of 2024 titled as '**Sumit Kumar Vs. State of Haryana and another**' decided on 12.03.2024, wherein, it has been categorically held that provisions of the Act, 2022 have prospective effect and it cannot be applied retrospectively, as such, learned counsel for the petitioner submits that the controversy raised in the present criminal writ petition is squarely covered by the judgment of the **Sumit Kumar (Supra)** and the impugned order (Annexure P-3) is not legally tenable and deserves to be set aside. He further relies upon the judgment of the Coordinate Bench of this Court passed in CRWP-2012-2024 titled as '**Mohit Rana Vs. State of Haryana and others**' (Annexure P-4).

Per contra, the learned State counsel has filed reply on behalf of the official respondents-State and the same is taken record. He further submits that the competent authority has rightly rejected the case of the petitioner for temporary release in the light of the provisions contained in Act of 2022, which has been specifically enacted by the Government of Haryana providing for temporary release of prisoners for good conduct on certain conditions and he also refers to the provisions contained in Section 2 (1)(g) of the Act of 2022 and submits that the contraband which is recovered from the conscious possession of the petitioner makes him a hardcore criminal which disentitles him for temporary release.

Having heard learned counsel for the parties, undoubtedly, the FIR (*supra*) was registered in the year 1997 and he was convicted by the learned trial Court on 07.09.2002. It is a trite law that any amendment making the provisions more stringent will have a prospective effect and any substantive change in the law cannot be implemented retrospectively. It is pertinent to note



CRWP-4689-2025

-3-

that the Hon'ble Supreme Court in its judgment passed in '*State of Haryana Vs. Jagdish*', AIR 2010 SC 1690 as well as in '*Rashidul Jafar @ Chota Vs. State of Uttar Pradesh and another*' 2022 (4) RCR (Criminal) 702, has categorically held that any substantive change that disadvantages the accused must only have prospective effect. This Court is bound by the said precedent and finds the present case to be squarely covered by the ratio laid down therein. The provisions of the Act of 2022 came into force on 31.03.2022 and thus, the rigours of the same cannot be applied to the petitioner who was convicted and sentenced to imprisonment in the year 2002. The perusal of the custody certificate reveals that on 03.10.2024, the petitioner was granted interim bail and he has not misused the same, as such, there is nothing available on record to suggest that the conduct of the petitioner is not good.

In view of the judgment passed by the Division Bench of this Court in *Sumit Kumar (Supra)* and the judgment passed by the Coordinate Bench of this Court in *Mohit Rana (Supra)*, the impugned order dated 25.04.2025 (Annexure P-3) is hereby set aside and the petitioner is ordered to be released on parole for a period of 10 weeks subject to his furnishing personal and surety bonds to the satisfaction of the District Magistrate concerned and he is further directed to surrender before the jail authorities on completion of his parole.

(HARPREET SINGH BRAR)
JUDGE

08.07.2025

Neha

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