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

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CRWP-7162-2025 (O&M)
Date of decision: 15.12.2025

Jasbir Singh @ Jassi**...Petitioner**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Gagandeep Kaur, Advocate
For the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Articles 226/227 of the Constitution of India, the petitioner has made prayer for issuing a writ in the nature of Certiorari quashing the order dated 05.06.2025, passed by respondent No. 4-Superintendent, District Prison, Karnal, whereby his application for grant of parole on medical grounds had been dismissed, and for issuance of directions to the official respondents to release him on parole on the aforesaid ground.

2. Learned counsel for the petitioner has submitted that the petitioner had been convicted in case arising out of FIR No. 35 of 2014, under Sections 25 and 15 of the NDPS Act, 1985 and had been sentenced to undergo rigorous imprisonment for a period of 12 years. He had filed an appeal bearing CRA-D-468-DB-2018 before this Court, which was dismissed. He has undergone sentence of more than 06 years and has never misused the concession of parole or furlough granted to him. His father is residing abroad

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and her sisters are married. His mother has recently undergone knee replacement surgery for her one knee and the surgery for her another knee is to be performed. She is unable to take care of herself. Since there is nobody at home to look after his ailing mother, the petitioner had moved an application for grant of parole on these grounds but the same had been dismissed by respondent No. 4 by passing the impugned order, which is not sustainable in the eyes of law. It is, thus, urged that the petition deserves to be allowed and the petitioner deserves to be granted parole on medical grounds.

3. Reply by way of affidavit of Superintendent, District Prison, Karnal has been filed. It is submitted therein and learned State counsel has argued that the petitioner is a habitual offender as apart from the aforementioned case, he is involved in 04 other FIRs, out of which, 02 FIRs have been registered against him under the NDPS Act. He had never filed any application for grant of emergency parole to him and had directly filed a petition before this Hon'ble High Court, bearing CRWP-4864-2025 seeking directions for his release on emergency parole for a period of 08 weeks to enable him to attend to his mother, who was suffering from some knee-related medical condition. While disposing of the CRWP-4864 of 2025, the petitioner was directed to file an application for grant of parole. Accordingly, he moved an application seeking parole, which had been dismissed on 05.06.2025 by passing a speaking order. It is further argued that the petitioner had rightly been denied benefit of parole as previously, he was released on parole for 03 weeks on 09.12.2019 and was to surrender on 31.12.2019 but he absconded for a period of 02 years, 10 months and 25 days, before being arrested on 26.11.2022. Therefore, he has been classified as a hardcore prisoner as per

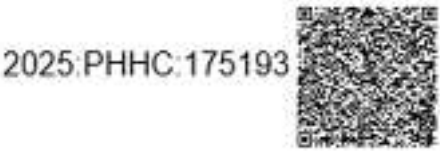
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Section 2(1)(g)(v) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (*for short 'the Act, 2022'*). More so, he was facing trial while in custody in one more case under the NDPS Act and as per Section 11(1) of the Act, 2022, a convicted prisoner shall be entitled for consideration of for a regular parole or furlough or emergency parole or custody parole under this Act only, if he is on bail in all the cases which are pending against him before any Court of competent authority. In view thereof, there is no infirmity or illegality in the impugned order. Hence, it is urged that the petition is liable to be dismissed.

4. This Court has heard the rival submissions.

5. It is not in dispute that the petitioner stands convicted for offences under the NDPS Act and has been sentenced to undergo rigorous imprisonment for a period of 12 years. The record further reveals that the petitioner cannot claim an unblemished conduct during incarceration. Admittedly, he was earlier released on parole for a period of 03 weeks on 09.12.2019 and was required to surrender on 31.12.2019. However, he absconded and remained at large for a considerable period of 02 years, 10 months and 25 days, before he was apprehended on 26.11.2022. Such conduct clearly disentitles the petitioner from seeking equitable relief and justifies his classification as a hardcore prisoner under Section 2(1)(g)(v) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, as per which, a convict shall be classified as a 'hardcore prisoner', if he fails to surrender himself within a period of 10 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. Moreover, as rightly pointed out by the learned State counsel, the



petitioner is involved in multiple criminal cases, including two cases under the NDPS Act. In view of the statutory bar contained in Section 11(1) of the Act, 2022, a convicted prisoner is entitled to consideration for parole or furlough only if he is on bail in all pending cases. The petitioner admittedly does not satisfy this mandatory statutory requirement. The Superintendent, District Prison, Karnal has, therefore, passed a reasoned and speaking order while declining the prayer for parole, which cannot be termed as arbitrary, perverse or illegal so as to warrant interference in exercise of writ jurisdiction under Articles 226/227 of the Constitution of India.

6. So far as the ground relating to the medical condition of the petitioner’s mother is concerned, the same also does not survive any longer. As per the pleadings of the petitioner himself, one knee replacement surgery had already been conducted and the other was scheduled to be performed. By now, the said surgeries must have been completed and the period of immediate post-operative care would also have elapsed. Thus, the very basis on which parole was sought no longer exists, rendering the petition infructuous even on factual considerations.

7. In view of the discussion as made above, this Court finds no infirmity in the impugned order dated 05.06.2025 passed by respondent No. 4. The petitioner has failed to make out any case for grant of parole or for interference by this Court. Consequently, the present petition is dismissed.

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Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No