



CRWP-9966-2025 (O&M)

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

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CRWP-9966-2025 (O&M)**Date of decision : 21.11.2025**

Sohan Singh @Balvir Singh @Soni

..... Petitioner

VERSUS

State of Haryana

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Krishan Singh, Advocate for the petitioner.

Ms. Deepali Verma, Asst. A.G. Haryana.

SURYA PARTAP SINGH, J.

1. While invoking the jurisdiction vested in this Court by virtue of Article 226 of the Constitution of India, the petitioner has filed the present writ petition in the nature of certiorari for quashing of order dated 26.08.2025, passed by the respondent No.3.

2. The petitioner, who has been convicted for the commission of offence punishable under Section 302 of Indian Penal Code, arising out of FIR No.196 dated 07.08.1991, had applied for parole, but the request of petitioner for giving the benefit of parole to him did not find favour of the competent authority, as the Superintendent of Prison, District Prison, Sirsa (respondent No.3) declined the application of petitioner.

3. In nut-shell, the facts emerging from record are that for the commission of offence punishable under Section 302 of IPC, the petitioner

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was convicted vide judgment of conviction dated 06.10.2004 and order of sentence dated 09.10.2004, and since then he is in custody, and presently confined in Central Jail-I, Hisar. The appeal preferred by the petitioner has already been dismissed by this Court, and the SLP before the Hon'ble Supreme Court of India is still pending.

4. It has also been alleged by the petitioner that he is undergoing sentence for life imprisonment, and that he had surrendered before the jail authorities on 05.06.2025. According to petitioner, to meet his family members, he had applied for 10 weeks' parole leave, but the jail authorities rejected the application moved by the petitioner on 23.05.2006, on the ground that on an earlier occasion, when the petitioner was released on three weeks' furlough, and was supposed to surrender before the jail authorities on 14.06.2006, he did not turn up till 04.05.2007. According to observations, made by the jail authorities, due to overstay for a period of more than 10 months and 20 days, the petitioner had rendered himself ineligible for release on parole, again.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner was convicted by virtue of judgment of conviction dated 06.10.2004 and order of sentence dated 09.10.2004, and that at the time of conviction of petitioner, Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 was applicable and that in the abovementioned act, there was no provision to treat the petitioner to be a hard-core prisoner on the ground of over-stay. According to learned counsel for the petitioner, subsequently, i.e. in the year

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2022, new Act, i.e. Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, has been enacted, but the abovementioned Act has no retrospective effect, and therefore, on the basis of provisions, contained in the 'Haryana Good Conduct Prisoners (Temporary Release) Act, 2022', the application of petitioner for release on parole could not have been rejected.

7. It has also been contended by learned counsel for the petitioner that under the 'Haryana Good Conduct Prisoners (Temporary Release) Act, 1988', the petitioner could have been rendered ineligible for seeking the benefit of parole only on the limited ground provided therein. As per learned counsel for the petitioner, the impugned order (Annexure P-2), passed by the respondent No.3, shows that the entire order is based upon the provisions contained in the 'Haryana Good Conduct Prisoners (Temporary Release) Act, 2022', and not the 'Haryana Good Conduct Prisoners (Temporary Release) Act, 1988'. According to learned counsel for the petitioner in view of above, the impugned order is not sustainable in the eyes of law.

8. *Per contra*, the learned State Counsel has contended that the claim of the petitioner is based upon the plea that the 'Haryana Good Conduct Prisoners (Temporary Release) Act, 1988' is applicable to him, and that in the abovementioned Act, there was no provision, which would have made him ineligible for release on parole on the ground of over-stay. According to learned State Counsel, even if the abovementioned submissions of the learned counsel for the petitioner are accepted, on their face value, the petitioner is not entitled for any relief, as the scope of temporary release on parole under the 'Haryana Good Conduct Prisoners

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(Temporary Release) Act, 1988', is confined to the limited grounds, and that the case of the petitioner is not covered under any of the abovementioned prescribed grounds.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, an application was moved by the petitioner for his release on parole. The contents of abovesaid application are reproduced below:-

"I, Paramjit Kaur W/o Sohan Singh @Balbir Singh @Soni R/o Village Miani, Tehsil Tanda, District Hoshiarpur. My husband Sohan Singh @Balbir Singh @Soni S/o Banka Singh has been convicted in FIR No.196 dated 07.08.1991 under Section 302 IPC PS Rania for life imprisonment and is in lockup at District Jail Sirsa. My husband wants to spend time with his family. There is no other male member in my house to take care. So the please release my husband for 70 days on parole."

11. The record further shows that the abovementioned application was dealt with by the respondent No.3, and it was observed that:-

"While undergoing above sentence in this jail the convict was released on 23-05-2006 for three weeks furlough and directed him to surrender on 14.06.2006 FN at Jail Gate Sirsa. However, after overstaying for a period 10 month and 20 days the convict was admitted in District Jail, Sirsa on 04-05-2007 after being arrested by the police. A case FIR No. 464 dated 27-06-2006 U/s 8/9 of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, P.S. City Sirsa, District Sirsa was got registered against the convict in which the convict was



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convicted and sentenced already undergone on 03-01-2008 by the Ld. Court of Chief Judicial Magistrate, Sirsa.

In the Haryana Good Conduct Prisoners (Temporary Release) Act, 2022, in section 2, after clause (g)(v) the following clause shall be inserted, namely:-

(g) "hardcore convicted prisoner" means by any prisoner-

(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 Haryana Good Conduct Prisoner (Temporary Release) ACT, 2022, of temporary release of a convicted prisoner on custody parole and special provisions for hardcore convicted prisoner as defined in clause in section 6, after clause (3) above.

6. (3) Notwithstanding anything contained in sub-section (1), A hardcore convicted prisoner, who has not been awarded death penalty or life imprisonment till natural life and has completed five years of his sentence (Including maximum two years under trial period, without committing any major jail offence or any cognizable offence during the last five years, shall be entitled for emergency parole or regular parole or furlough at par with convicted prisoner. Such period of five years shall be counted from the date of his latest offence or act which falls under the category of hardcore convicted prisoner.

Provided that a hardcore convicted prisoner who has been sentenced for imprisonment till natural life shall be eligible for emergency parole or regular parole at par with convicted prisoner only after completion of seven years of imprisonment after conviction.

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Provided further that if the hardcore convicted prisoner so released temporarily violates any condition of parole or furlough or commits any cognizable offence, he shall be debarred from such release for next three years.

Therefore, the seventy days parole case of the convict cannot be granted as per rule of the Haryana Good Conduct (Temporary Release) Act, 2022 of section 2(g) (v) of the act as the convict in question failed to surrendered in jail due date & time & surrender in jail after overstaying furlough of from 10 months and 20 days and violates the terms & condition of provision rule of the Haryana Good Conduct (Temporary Release) Act, 2022 of section 2 (g)(v) of the act. The convict may be informed and copy of above decision also be supplied to the convict free of cost.”

12. A bare perusal of abovementioned order, passed by the respondent No.3, shows that the entire findings have been recorded by the respondent No.3 in the light of provisions, contained in the ‘Haryana Good Conduct Prisoners (Temporary Release) Act, 2022’. Since the petitioner was convicted by virtue of judgment of conviction dated 06.10.2004, and on that day, the ‘Haryana Good Conduct Prisoners (Temporary Release) Act, 1988’ was applicable, and the ‘Haryana Good Conduct Prisoners (Temporary Release) Act, 2022’ has no retrospective effect, it is hereby held that a grave error has been committed by the respondent No.3 while dealing with the application of petitioner for his release on parole on the touch scale, provided under the abovementioned Act. Hence, the abovementioned procedure, adopted by the respondent No.3, is not only illegal, but also perverse.

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13. It cannot be disputed that the purpose of release of a prisoner on parole is to make sure that the prisoner as such meets with his family members and the general public. It is a reformatory process, whereby a convict is reintroduced to normal life and thus, by declining the said benefit on an application of parole, the reasoning given as discussed above, would come within the vice of irrationality and perversity. Thus, it is hereby held that the impugned order (Annexure P-2) deserves to be set aside.

14. Resultantly, the impugned order dated 26.08.2025 (Annexure P-2), passed by the Superintendent of Prison, District Prison, Sirsa, is hereby quashed. The respondent No.3 is hereby directed to pass a fresh order in view of observations made in this judgment.

15. The petition stands allowed, accordingly, in the aforesaid terms. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

NOVEMBER 21, 2025

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/~~No~~
Yes