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

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CRWP-10534-2024 (O&M)
Date of decision: 31.07.2025

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

Present:- Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the order dated 14.06.2024 (Annexure P-1), whereby the claim of the petitioner for grant of parole has been rejected.

2. Learned counsel for the petitioner has submitted that the petitioner had been held guilty and convicted for in case arising out of FIR No. 286 of 2001, registered under Sections 302, 307, 323, 148 and 149 of IPC at Police Station Rohtak and had been sentenced to undergo life imprisonment. He had filed an appeal against his conviction, which had been dismissed by this Court, vide judgment dated 19.09.2008 passed in **CRA-D-911-DB-2003**. The petitioner had applied for grant of parole for 70 days which had been rejected by the authorities by passing the impugned order dated 14.06.2024 on the ground that the case of the petitioner falls under

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hardcore category. The observations so made were based on the fact that the petitioner was released on 04 weeks parole on 17.06.2004 and was to surrender on 16.07.2004 but he did not surrender and kept on absconding for more than 17 years and an FIR bearing No. 264 dated 27.05.2005, under Sections 8 and 9 of the HGCP Act was registered against him at Police Station Sadar Gurugram. However, the fact that the petitioner had been acquitted in FIR No. 264 was totally ignored by the authorities. It is further argued that the Gram Panchayat concerned has given a certificate dated 18.10.2024 (Annexure P-2) to the effect that there is no apprehension of breach of peace if the petitioner is released on parole. The petitioner is eligible to be released on parole for 70 days as per the provisions of Haryana Good Conduct Prisoners (Temporary Release) Act, 2022 (*for short 'the Act, 2022'*). As per Section 6 of the Act, 2022, even a hardcore prisoner is entitled to be released on parole. The total custody period of the petitioner is more than 06 years and in case he is granted benefit of parole, he will surrender within the time stipulated. It is, therefore, urged that the present petition deserves to be allowed, the impugned order is liable to be set aside and the petitioner deserves to be granted emergency parole for a period of 70 days.

3. Reply has been filed by the respondent-State. Learned Assistant Advocate General, Haryana has argued that there is no illegality or infirmity in the impugned order. The petitioner was previously granted parole on 17.06.2004 for a period of 04 weeks and he was to surrender on 16.07.2004. However, he did not surrender and kept on absconding for a period of 17 years, 03 months and 09 days before having been re-arrested. During the said

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period, the aforementioned FIR No. 264 was also registered against him. In view thereof, he is not entitled to be released on parole. Therefore, it is urged that the petition is liable to be dismissed.

4. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

5. The petitioner had been convicted and sentenced for life imprisonment. He had filed an appeal against his conviction, which had been dismissed by this Court, as mentioned above. The petitioner was granted benefit of parole for a period of 04 weeks and was scheduled to surrender back on 16.07.2004 but he did not do so and absconded for a period of more than 17 years. Eventually, he was arrested on 05.11.2021. As per Section 2(1)(g)(v), a prisoner shall be considered to be hardcore prisoner who fails 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 for which he was released. In view thereof, the petitioner certainly falls under the category of hardcore prisoners. Further, as per sub-section (3) of Section 6 of the Act, 2022, a hardcore prisoner can be granted parole after five years from latest offence or act which falls under the category of hardcore prisoner. Hence, since the petitioner has not completed five years from the date of his confinement in jail, he has rightly been denied the benefit of parole. Even otherwise, a perusal of the petition nowhere reveals as to on what grounds the petitioner is seeking grant of parole for 70 days. In view of the same, this Court is of the considered opinion that no ground has been made out to issue any direction to the respondent-authorities to release the petitioner on

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emergency parole for the period as prayed for by him. Accordingly, the present petition is dismissed.

31.07.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No