



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-12050-2023

Reserved on : 06.02.2025

Date of decision : 13.02.2025

Jasbir Singh @ ChirriaPetitioner

V/S

State of Punjab and anotherRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: Mr. Sehaj Punj, Advocate for
Ms. Ritu Punj, Advocate for the petitioner.

Mr. Anup Singh, A.A.G., Punjab.

NAMIT KUMAR, J.

1. The petitioner has filed the instant petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of certiorari, quashing the order dated 26.08.2023 (Annexure P-1) passed by the Superintendent, Central Jail, Bathinda, rejecting the application filed by the petitioner for grant of parole of 08 weeks and for granting the parole to the petitioner for 08 weeks.

2. Brief facts of the case are that the petitioner was convicted in case FIR No.23 dated 17.04.1993 registered under Sections 302, 376(2)(g), 404, 379 & 34 of IPC at Police Station Dayalpura, District Bathinda by the learned Sessions Judge, Bathinda vide judgment dated 10.10.1996 and sentenced as follows : -

Under Section	Sentence	Fine Rs.	In Default of fine
302/34 IPC	RI for life imprisonment	1000/-	RI for 02 years



376(2)(g) IPC	RI for 10 years	5000/-	RI for 06 months
376(2)(g) IPC	RI for 10 years	5000/-	RI for 06 months
376(2)(g) IPC	RI for 10 years	5000/-	RI for 06 months
All the sentences were ordered to be run concurrently.			

3. The petitioner was also convicted in case FIR No.85 dated 02.11.2001 registered under Sections 302 and 449 of IPC at Police Station Phul, District Bathinda by the learned Sessions Judge, Bathinda vide order dated 19.12.2003 and sentenced as follows : -

Under Section	Sentence	Fine Rs.	In Default of find
302 IPC	RI for life imprisonment	1000/-	RI for 04 months
449 IPC	RI for 07 years	500/-	RI for 02 months

4. The petitioner had applied for grant of parole of 08 weeks which was rejected vide impugned order dated 26.08.2023 passed by learned Superintendent, Central Jail, Bathinda. The relevant portion of the said order reads as under :-

“You had given one application with regarding to your parole. In this regard, your are informed that you are undergoing Life Sentence under Section 302, 392, 376(2) (g) IPC. As per Section 2 of Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 falls under the category of hardcore prisoners. Hence as per Section 4 of this Act, any offence which comes under the category of heinous offences, the prisoners shall not be entitled to temporary release.

Hence you are hereby informed that offence committed by you falls under heinous category as per Para 4, Sub Section 5-A(a) of Punjab Good Conduct (Temporary

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Release) Amendment Act, 2015 so your case cannot be considered for parole. It is for your information.”

5. Aggrieved against the abovesaid order, the petitioner has filed the instant petition.

6. Learned counsel for the petitioner has submitted that the Superintendent, Central Jail, Bathinda has rejected the request of the petitioner for grant of 08 weeks parole by passing an impugned order dated 26.08.2023 in an arbitrary manner on the ground that as per Section 2 of The Punjab Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 (for short ‘2015 Act’), the petitioner falls under the category of ‘hardcore prisoner’ and as per Section 4 of 2015 Act, a prisoner, who has committed ‘heinous offence’, shall not be entitled for temporary release. He further submits that since the petitioner was convicted in the year 1996 and 2003, therefore, the amendment dated 07.01.2016 in 2015 Act would not apply in the case of the petitioner as the same would apply prospectively and not retrospectively. In support of his contention, learned counsel for the petitioner has placed reliance upon the judgment passed by Division Bench of this Court in ***CRWP-1078-2014 titled as ‘Sonu @ Arun Vs. State of Haryana and others’ decided on 09.02.2015*** and judgments passed by Single Bench of this Court in ***CWP-20679-2018 titled as ‘Jagjit Singh @ Jaggi Vs. State of Punjab and others’ decided on 18.09.2018***; ***CWP-9699-2018 titled as ‘Sukhvir Singh @ Sukha Vs. State of Punjab and others’ decided on 11.09.2019*** and ***CRWP-9415-2023 ‘Harchet Singh @ Chet Singh Vs. State of Punjab and others’ decided on 30.01.2024.***

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7. Per contra, learned State counsel, by referring to the averments made in the reply filed on behalf of the respondent-State, submits that there is no illegality in the impugned order dated 26.08.2023 passed by Superintendent, Central Jail, Bathinda, rejecting the parole of the petitioner. The crime committed by the petitioner falls within the category of “Hardcore Prisoner”, as such. As per Section 5A of the 2015 Act, the petitioner is not eligible for grant of parole. He further submits that earlier when the petitioner availed parole in the year 2001, he was again involved in commission of a crime and arrested by the local police in case FIR No.85 dated 02.11.2001 under Sections 302 and 449 of IPC. Therefore, the Superintendent, Central Jail, Bathinda has rightly dismissed the application filed by the petitioner for grant of parole.

8. I have heard learned counsel for the parties and perused the relevant documents.

9. Admittedly, the petitioner was convicted in case FIR No.23 dated 17.04.1993 registered under Section 302, 376(2)(g), 404, 379 and 34 of IPC at Police Station Dayalpura, District Bathinda by learned Sessions Judge, Bathinda, vide judgment dated 10.10.1996. Thereafter, the petitioner had availed parole 04 times and during the period of his 4th parole in the year 2001, the petitioner had committed another crime and a case FIR No.85 dated 02.11.2001 under Sections 302 and 449 of IPC was registered against him at Police Station Phul, District Bathinda in which he was again arrested by the local police and remanded back to the Judicial custody and after trial, convicted by the learned Sessions

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Judge, Bathinda vide judgment dated 19.12.2003.

10. Learned counsel for the petitioner has not made any argument on the point raised by this Court vide order dated 24.05.2024 that as to whether a convict is still entitled for parole, if during the earlier parole, an FIR has been registered against the convict, therefore, the judgments relied upon by learned counsel for the petitioner are not applicable to the facts and circumstances of the present case as in the present case the petitioner had misused the parole earlier granted to him.

11. Since the petitioner during his incarceration while undergoing life imprisonment has misused the concession of parole in the year 2001, as he has committed one more heinous crime of murder, while being on parole, in which he was again convicted for life imprisonment, therefore, this Court is of the considered opinion that the petitioner is not only a hardcore prisoner but a habitual offender as well and, moreover, grant of parole is not a matter of right as the same is dependent on good conduct of the prisoner satisfying other provisions of 2015 Act, which the petitioner has not satisfied at all, therefore, he is not entitled for concession of temporary release on parole and for the above reasons, this Court finds no ground to interfere in the impugned order dated 26.08.2023, passed by the Superintendent, Central Jail, Bathinda.

12. Dismissed being devoid of any merit.

13.02.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No