



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

CRWP-12074-2024
Date of Decision: **27.01.2025**

Nikka @ Parvesh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: None for the petitioner.

Ms. Mayuri Lakhanpal, DAG, Haryana.

SANJAY VASHISTH, J. (ORAL)

1. Instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of mandamus for issuance of directions to respondent Nos.2, 3 and 5 to release the petitioner temporarily on parole for 10 weeks on regular parole under Section 3 (1) (d) of the Haryana Good Conduct Prisoners Temporary Release Act, 1962 while setting aside the order dated 14.11.2024 passed by the Commissioner, Karnal (Annexure P-1).

2. On 18.01.2025, the following order was passed by this Court:-

“1. On 10.01.2025, in regard to plea of releasing the petitioner-Nikka @ Parvesh on parole, through present petition, following order was passed:-

“Learned counsel for the petitioner submits that, while passing the impugned order dated 14.11.2024 (Annexure P-1), respondent No.2 i.e. Divisional Commissioner, Karnal, has wrongly recorded the facts while rejecting the request of parole that co-convicts/prisoners Sandeep and Jitender @ Bhana are

presently on bail and the remaining two co-convicts/prisoners namely Manish and Deepak @ Teki have been acquitted. In fact, the co-convicts of the petitioner, namely Sandeep son of Rajan, Manish son of Kartar, Deepak @ Teki son of Ratan Singh, filed an appeal before the High Court against their conviction and sentence passed in case FIR No.231, dated 10.04.2013, under Sections 302, 120-B and 34 of IPC, and Section 25 of the Arms Act, registered at Police Station Murthal, and they have all been acquitted, except the present petitioner.

Faced with the above, learned State counsel prays for some time to file a reply after ascertaining the correct facts.

Adjourned to 18.01.2025.”

2. *Learned State counsel has filed the reply as well as the custody certificate dated 16.01.2025, in Court today, which are taken on record, subject to all just exceptions. Office to tag the same at appropriate place. Copies thereof have been handed over to the counsel for the petitioner.*

3. *From the aforesaid reply, learned State counsel points out para No.8 (from Preliminary Submissions) that the request for releasing the petitioner on furlough for a period of three weeks is pending decision before District Magistrate, Sonapat, and he assures that same would be finalized within a period of one week from today.*

4. *List on 27.01.2025.*

Respondents including the District Magistrate, Sonapat, are directed to take a final decision on the issue of releasing the petitioner on furlough.”

3. In compliance of the previous order, the learned State counsel has filed the status report dated 25.01.2025 by way of affidavit of Mr. Charan Singh, Deputy Superintendent of Prison, District Prison, Karnal, which is taken on record. Learned State counsel refers to order dated 22.01.2025 (Annexure R-1) appended with the status report and submits that petitioner has been

temporarily released on furlough and his release warrants have also been ordered to be valid upto 04 months from the date of issuance. She further submits that in view of the aforementioned reason, the present petition has become infructuous.

4. Ordered accordingly.

27.01.2025
Parveen kumar

(SANJAY VASHISTH)
JUDGE

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