
(1992) 01 P&H CK 0067

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 13639-M of 1990

Balbir Singh alias Bira

APPELLANT

Vs

State of Haryana and anr.

RESPONDENT

Date of Decision : 17-01-1992

Acts Referred:

Citation : (1992) 1 AICLR 546 : (1992) 3 RCR(Criminal) 51

Hon'ble Judges : Harmohinder Kaur Sandhu, J

Advocate : Randhir Singh, J.S. Bhatti, Advocates for appearing Parties

Judgement

Harmohinder Kaur Sandhu, J.

1. Balbir Singh petitioner was tried and convicted for the offence under Section 302/34 Indian Penal Code by Additional Sessions Judge, Kurukshetra on 11/9/1990 and was awarded life imprisonment. At present he is lodged in Central Jail Ambala. He alleged that he never committed any jail offence and no jail punishment was ever awarded to him during the entire period of sentence. His behaviour remained satisfactory. On 3.2.1991 he was released on parole which was extended upto 30.3.1991. On 9/10/1991 his wife requested the Jail Authorities for his release for six weeks for agricultural purposes under Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act 1988. His request was, however, not considered. The petitioner, therefore, filed this petition under Section 482 of the Code of Criminal Procedure read with Articles 226/227 of the Constitution of India for grant of six weeks agricultural parole. He alleged that there was no adult male member in his family who could carry on agricultural operations. There was no other source of income and main source of income of the family is through agricultural operations.

2. I have heard Shri J.S. Bhatti counsel for the petitioner and Mr. Randhir Singh, Deputy Advocate General, Haryana for the respondent.

3. The prayer of the petitioner was opposed by the learned counsel for the respondents on the ground that the petitioner was awarded imprisonment only

on 11.9.1990 and on 3299 i.e. even before the expiry of period of one year he availed 8 weeks parole. A prayer for further release of the petitioner on parole was made on 9.10.1991 i.e. after a period of about six months when he surrendered to the jail authorities after availing 8 weeks parole.

4. The contention of the learned counsel for the respondents is quite valid. There is no denial of the fact that the petitioner was convicted only on 1.9.1990 and a few months after his conviction he obtained his release on parole though the purpose of this parole is intentionally kept hidden. A period of six months had hardly passed when again a request for release on parole for agricultural pursuits was made. The Government has issued instructions to the effect that normally no request from a prisoner for his release on parole should be entertained till the expiry of one year since his last release on parole in order to discourage frequent requests from prisoners for release. It is only in emergent and special cases that this condition can be waived. Father of the petitioner is alive and his affidavit is attached to the petition. At present it is neither sowing nor harvesting season and I do not think that there is any emergency or there is any special ground for granting the petitioner six weeks Agricultural parole. The petition is, therefore, dismissed.