



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

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**CRR-1139-2025 (O&M)
Date of decision: 01.05.2025**

HARISH

...Petitioner

V/s

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S.GREWAL

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

Ms. Ankita Ahuja, AAG, Haryana.

H.S.GREWAL, J. (ORAL)

CRM-17638-2025

This application filed under Section 5 of the Limitation Act is for condonation of delay of 42 days in filing the present revision petition.

For the reasons stated in the application, the same is allowed.

Delay of 42 days in filing the instant revision is condoned.

CRR-1139-2025

1. This revision petition is filed against the order dated 05.02.2019 passed by the learned trial Court, Jhajjar as well as order dated 18.12.2024 passed by the learned Additional Sessions Judge, Jhajjar whereby the appeal preferred by the respondent-State was allowed.

2. The case of the prosecution is that the petitioner is a convict in case FIR No.271 dated 04.06.2008 under Sections 25/54/59 of the Arms Act and Sections 302, 307 and 449 of the IPC registered at Police Station Jhajjar. The petitioner was released on 16.07.2016 for six weeks



agricultural parole. The parole period was to end on 28.08.2016 and the petitioner had to surrender on the same day. However, the convict did not surrender and became an absconder from parole. Thereafter, a case under Section 8/9 of the Parole Act was registered against the petitioner and on completion of investigation, challan was presented and petitioner was charge-sheeted. The learned trial Court vide order dated 05.02.2019, convicted and sentenced the petitioner under Section 9 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 to undergo imprisonment of 01 year, 11 months and 11 days i.e. the period already undergone. This order was challenged by the respondent-State before the learned Appellate Court. The learned Appellate Court vide judgment and order dated 18.12.2024, allowed the appeal filed by the respondent-State and reversed the order on quantum of sentence and directed the petitioner to undergo awarded imprisonment of 01 year, 11 months and 11 days not as concurrently with the sentence of the main case but as separately i.e. after expiry of the sentence awarded to the petitioner in the main case. This order of the Appellate Court is under challenge before this Court praying for reduction of the sentence awarded to the petitioner to the period already undergone.

3. It is submitted by the learned counsel for the petitioner that the Courts below have failed to appreciate the good conduct of the petitioner that earlier on every occasion when he was released on parole, he had surrendered on time. He further submits that the petitioner went to surrender on 28.08.2016 i.e. the date he had to surrender before the jail



authorities but due to illness of his father, he got late and could not reach on time and jail officials refused to allow his surrender.

4. Learned counsel for the State has filed the custody certificate of the petitioner which is taken on record. She has opposed the submission made by learned counsel for the petitioner. It is further stated by learned State counsel that while the petitioner was on parole, he has committed another offence punishable under Section 302 of the IPC and for that offence, he has now been awarded death sentence vide order dated 12.10.2021.

5. I have heard learned counsel for the parties and have perused the relevant material placed on record.

6. Keeping in view the above facts especially in view of the fact that the petitioner is a habitual offender and is involved in cases of grave offences, this Court finds no ground to interfere with the findings recorded by the learned Appellate Court and, thus, upholds the order passed by the learned Appellate Court on 18.12.2024.

7. Resultantly, the revision petition is hereby dismissed.

May 01, 2025
poonam

(H.S.GREWAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No