

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 4361/2000

(From the judgement and order dated 30/11/2000 in CRLM 17823/00
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

AVTAR SINGH

Petitioner (s)

VERSUS

STATE OF HARYANA & ANR.
(For Final Disposal)
(With Office Report)
With
W.P(Crl.)No. 119/2001

Respondent (s)

Date : 04/09/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. J.P. Dhanda,Adv.
Mr. KP Singh, Adv.

For Respondent (s) Mr. Mahabir Singh,Adv.
Ms. Aishwarya Bhati, Adv.

UPON hearing counsel the Court made the following

O R D E R

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In the writ petition Section 3(iii) of the Haryana Good Conduct Prisoners (Temporary Release)Act, 1988 is challenged on the ground that it is violative of Article 14 and Article 21. In State of Haryana vs.@@
Mohinder Singh 2000 (3) SCC-394 and the Constitution@@
Bench in Sunil Fulchand Shah vs. Union of India and Ors.@@
2000 (3) SCC 409, this Court held that parole and furlough period can also be counted as the period of sentence of imprisonment. But in those decisions the

question of validity of the impugned sub-section of the Act mentioned above has not been considered. When the constitutional validity of the said sub-section is challenged and the focus is made on Article 21, we are of

the opinion that this must be heard by a larger bench.
Registry will place this matter for orders of the Hon'ble
the Chief Justice of India.

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Hemalatha

(HK Bhatia)
Court Master