

COCP No.1093 of 2015

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

**COCP No.1093 of 2015
Date of decision:28.05.2015**

Ajay Jadeja @ Janak

...Petitioner

Versus

P.K.Mahapatra and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. V.S.Rana, Advocate,
for the petitioner.

Mr. RKS Brar, Addl. A.G., Haryana.

Rakesh Kumar Jain, J.

The petitioner has alleged that the respondents have willfully disobeyed the order passed by this Court on 08.04.2015 in CRWP No.1741 of 2014.

In short, the petitioner filed the CRWP No.1741 of 2014 to challenge the order dated 01.09.2014 passed by the Superintendent, District Jail, Faridabad, arrayed as respondent no.2 therein, whereby his application for grant of furlough was rejected. The said petition was disposed of on 08.04.2015, directing respondent no.2 therein to apply himself to the given situation and pass fresh order after considering the legal issues in the light of observations made in judgments referred to by the petitioner, within a period of 15 days.

After notice, all the respondents have filed their separate replies and the following averments have been made by respondent no.2:-

“4. It is respectfully submitted that in compliance of the Hon'ble Punjab & Haryana High Court, Chandigarh orders dated 8.4.2015 the furlough case of the petitioner was initiated by the then Superintendent District Jail, Faridabad vide letter no.3539 dated 14.4.2015 was sent to the District Magistrate, Jhansi (U.P.) alongwith a copy of the orders passed by the Hon'ble High Court on 8.4.2015 and parole/furlough Form-(K) through special messenger with the request to send your recommendation/report to the commissioner Gurgaon Division, Gurgaon as early as possible so that the order of the Hon'ble High Court be complied (Annexure R-1). A copy of the same was also sent vide Endst. No.3540 dated 14.4.2015 to the commissioner Gurgaon Division, Gurgaon (Annexure R-1). A speaking order No.3940 dated 27.4.2015 to the Superintendent (Criminal) for the Registrar Judicial, Punjab & Haryana Chandigarh and The Commissioner Gurgaon Division, Gurgaon for information and necessary action (Annexure R-2). The decision of furlough case of the petitioner was to be taken by the District Magistrate, Jhansi (U.P.) & the Commissioner Gurgaon Division, Gurgaon being the sanctioning authority in parole/furlough cases. Hence, the answering respondent has neither breach any law nor contempt the Hon'ble Court. In compliance of Hon'ble High Court order dated 8.4.2015 the furlough case was initiated by the then Superintendent Jail on 14.4.2015 vide letter No.3539 dated 14.4.2015 to District Magistrate, Jhansi (U.P.) and Endst. No.3540 dated 14.4.2015 to the commissioner Gurgaon Division, Gurgaon (Annexure R-1). The decision of furlough case of the petitioner was to be taken by the District

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Magistrate, Jhansi (U.P) & the Commissioner Gurgaon Division, Gurgaon. The Commissioner Gurgaon Division, Gurgaon being the sanctioning authority in the parole/furlough cases had decided the furlough case of the petitioner vide order Endst. No.8564-65/A.P./2015 dated 20.5.2015 (Annexure R-3) which received in this office on dated 21.5.2015. The Commissioner Gurgaon Division, Gurgaon has rejected the furlough application of the petitioner as per report of District Magistrate, Jhansi vide letter No.205/Probation/Convict/ Parole/ Recommendation/Dated 19 May, 2015. The respondents have complied with this Hon'ble order dated 8.4.2015 without any delay on their parts.”

I have heard learned counsel for the parties and after considering the facts and circumstances, I do not find any merit in the present petition to initiate contempt proceedings against the respondents as the application of the petitioner was dismissed on 20.05.2015 on the ground that the petitioner has been adjudged as a hard core criminal and cannot be granted furlough.

If the petitioner is aggrieved against the order dated 20.05.2015, he may take up his remedy in accordance with law, but insofar as the present petition is concerned, the same is hereby dismissed being denuded of any merit.

May 28, 2015
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(Rakesh Kumar Jain)
Judge