

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Writ Petition No.1595 of 2014 (O&M)

.....

Date of decision:13.1.2015

Hans Raj

...Petitioner

v.

State of Haryana and others

Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Sarla Chaudhary, Advocate for the petitioner.

Mr. Surinder Singh Pannu, Deputy Advocate General,
Haryana for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this criminal writ petition under Article 226 of the Constitution of India for grant of furlough for three weeks to meet the family members in view of Section 4 of the Haryana Good Conduct Prisoners Temporary Release Act, 1988 (hereinafter referred to as 'the Act').

Notice of motion has been issued in this case.

Mr. Surinder Singh Pannu, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned

Deputy Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that the petitioner is undergoing life imprisonment and fine of ₹1,000/- for the offence under Section 302 and 34 IPC upon his conviction and sentence vide judgment and order dated 7.12.2011 passed by the learned Sessions Judge, Gurgaon. An application for furlough was sent to the District Magistrate, Mathura for inquiry/recommendation. The District Magistrate, Mathura has informed vide letter dated 18.3.2014 that the convict had murdered his real brother Rameshwar Dayal. The wife of the deceased, resident of Mehripur, Thana Suvir, Mathura, by giving in writing has requested that if the prisoner Hans Raj is released on furlough for one day only, he will murder her whole family. The District Magistrate, Mathura reported that if the prisoner is released on furlough, there is strong possibility that the offence may be committed again. On this basis, the District Magistrate, Mathura has not recommended the furlough case according to the above report.

Therefore, on this ground, the Commissioner, Gurgaon Division, Gurgaon, has rejected the furlough application of the petitioner vide order dated 23.5.2014.

From the record, I find that in the present case, the District Magistrate, Mathura has not recommended the furlough and has stated that there is every apprehension that the petitioner will commit the offence again in view of the specific apprehension of the wife of the deceased that the whole family will be killed.

Learned counsel for the petitioner has placed reliance on the judgment of this Court in Hardeep Singh v. State of Haryana and others, 1988 (1) RCR (Cr.) 474. I have gone through this judgment. This judgment having distinguished facts will not apply in the present case as in that case the parole was refused to convict on the ground that tension will prevail in opposite party, which is general allegation whereas in the present case in hand specific apprehension regarding murder of family of the deceased was stated to be ground for refusal of the furlough.

Learned counsel for the petitioner also placed reliance on the judgment of this Court in Banwari Lal v. State of Haryana and others, 1988 (1) R.C.R. (Cr.) 100. I have gone through this judgment. This judgment having distinguished facts will not apply in the present case as in that case Village Panchayat had recommended his case for furlough whereas it was refused on the ground that the opposite party apprehend danger whereas in the present case the Gram Panchayat has not recommended the case of the petitioner for furlough.

On the similar point, learned counsel for the petitioner has relied upon the judgment of this Court in Ram Kumar v. Government of Haryana and another, 1990 (1) All India Criminal Law Reporter 740. This judgment having distinguished facts will not apply in the present case.

From the above, I find that the impugned order dated 23.5.2014 passed by the Commissioner, Gurgaon Division, Gurgaon is correct and as per law and there is no illegality committed for refusal of furlough to the petitioner.

Therefore, finding no merit in this criminal writ petition, the same is dismissed.

January 13, 2015.

(Inderjit Singh)
Judge

hsp