

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

CRWP NO.303 OF 2015 (O&M)
DATE OF DECISION : 1st April, 2015

Mohit

.... Petitioner

Versus

State of Haryana & others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE S. S. SARON
HON'BLE MR. JUSTICE SURINDER GUPTA**

* * * *

Present : Mr. Jasdeep Singh Bains, Advocate for the petitioner.

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S. S. SARON, J.

CRM-W-102-2015

Communication dated 18.02.2015 (Annexure P-1) from District Magistrate, Ambala to Commissioner, Ambala Division, Ambala Cantt., attached with the criminal miscellaneous is taken on record, subject to just exceptions.

The criminal miscellaneous application stands disposed of accordingly.

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1. Heard learned counsel for the petitioner.
2. The petitioner seeks three weeks' furlough on account of his good conduct in jail in terms of Section 4 of the Haryana Good Conduct Prisoners (Temporary Relief) Act, 1988 ('Act' – for short).
3. The petitioner is undergoing life imprisonment in case FIR No.40 dated 10.02.2011 registered at Police Station Mahesh Nagar, District Ambala for the offence under Section 302 Indian Penal Code.

Criminal Appeal No.331-DB of 2014 against his conviction passed by the learned trial Court on 16.11.2013 is pending in this Court. While undergoing imprisonment the petitioner seeks release on furlough. In terms of the communication (Annexure P-1) addressed by the District Magistrate, Ambala to the Commissioner, Ambala Division, Ambala Cantt., it is mentioned that DSP Police Station City Ambala vide his letter dated 08.01.2015 reported that there was tension with regard to convict (petitioner) and if he was released on parole any unfortunate incident can happen, therefore, the furlough has not been recommended.

4. It may be noticed that the final authority to take decision on the basis of material on record and the provisions of the Act, is the Commissioner, Ambala Division, Ambala Cantt., who has not taken any final decision so far. Therefore, the writ petition at this stage is premature. However, the Commissioner, Amabala Division, Ambala Cantt. shall take necessary decision on the furlough case in respect of the petitioner, if not already taken as expeditiously as possible.

5. The writ petition is accordingly dismissed being premature. The Commissioner, Ambala Division, Ambala Cantt. shall, however, take necessary decision on the furlough case of the petitioner and decide the same, if not already decided, as expeditiously as possible.

(S. S. SARON)
JUDGE

1st April, 2015
'raj'

(SURINDER GUPTA)
JUDGE