

CRWP No. 1377 of 2015 (O&M)
DECIDED ON: APRIL 12, 2016

AJAY JADEJA @ JANAK

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

Mr. S.S. Pannu, DAG, Haryana.

JASPAL SINGH, J (ORAL)

Instant petition has been preferred under Section 226 of the Constitution of India praying for setting aside of order dated May 20, 2015 (Annexure P-4) whereby, the permission of the petitioner for furlough has been rejected by the competent authority. During the pendency of petition, a short reply was filed by way of an affidavit of Deepak Sharma, Superintendent, District Jail, Faridabad in which it has been unfolded that there are as many as 14 cases registered against the petitioner, in which, he has been acquitted. However, two cases are still pending, in which, he is on bail; Besides it, he has been convicted in another case bearing FIR No. 172 of 2006 under Sections 3/25 of Arms Act registered at Police Station Nihalganj (Dhaulpur) for a period of 3 years. Though, in reply, it finds mention that petitioner has completed 5 years of sentence, as per Section 2(2) of the Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015 and after completion of 5 years a

convict becomes eligible for parole/furlough. Though the case of the petitioner was recommended by the District Magistrate, Faridabad for furlough for a period of 3 weeks but vide Endst. No. 172-6/AP/2016/2377-78 dated March 03, 2016, Commissioner Gurgaon Division, Gurgaon has again rejected his case for parole/furlough.

Instant petition is disposed of with a direction to Commissioner Gurgaon Division, Gurgaon to re-appreciate the recommendation made by District Magistrate, Faridabad as well amended law and pass an appropriate order in accordance with law and reports available on record within a period of 15 days from the date of receipt of certified copy of this order.

APRIL 12, 2016
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(JASPAL SINGH)
JUDGE