

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

**Criminal Writ Petition: 436 of 2016
Date of Decision: December 20, 2016**

Sonu @ DagarPetitioner
Versus

State of Haryana and others Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE H.S.MADAAN**

Present : Mr. Vishal Nehra, Advocate
for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

T.P.S.MANN, J.

Convict-Sonu @ Dagar has filed the present petition under Article 226 of the Constitution of India read with the provisions of the Haryana Good Conduct Prisoners' (Temporary Release) Act, for grant of furlough to him for a period of three weeks.

The petitioner stands convicted in case FIR No. 381 dated 10.10.2008 under Sections 302/341/323/148/149/427 IPC, registered at Police Station City Jagadhri and sentenced to undergo imprisonment for life.

According to the petitioner, he requested the jail

authorities for releasing him on furlough but it was rejected on the ground that there was apprehension of breach of peace in the locality on account of his release on furlough and he was also likely to abscond despite the fact that in the inquiry report submitted by the Tehsildar, it stood mentioned that the respectables of his locality had no objection regarding his release on furlough and there would also be no danger to the peace. Prayer has, accordingly, been made for releasing him on furlough.

Upon notice, the Officiating Superintendent, Central Jail, Ambala filed the reply that apart from the aforementioned case, in which the petitioner stood convicted and sentenced, he also faced trial in case FIR No. 219 dated 6.6.2008 under Sections 147, 148, 148, 420, 448, 427, 506, 379 and 120-B IPC, Police Station City Jagadhri, though he was acquitted in the said case on 1.5.2013. The said judgment of acquittal stood challenged by the opposite party by filing an appeal. It has also been submitted that there were two other criminal cases against him, one under Section 302 IPC of Police Station Chhachhrauli and the second under Section 307 IPC of Police Station Special Cell, Delhi, although, he stood acquitted in those two cases as well. It has also been stated that the furlough case of the petitioner was sent to the District Magistrate, Yamuna Nagar by the Jail Superintendent with a request to send his report to the

Divisional Commissioner, Ambala, who did not recommend the same keeping in view the report of the Superintendent of Police, Yamuna Nagar, wherein it was mentioned that he is a gangster type of criminal and there was apprehension of breach of peace of the locality and he may also abscond, if released on furlough.

In the additional reply submitted on behalf of the respondents, it was mentioned that the petitioner is habitual of committing crime repeatedly and his release was likely to endanger the law and order. Further, he was transferred to District Jail, Karnal from Central Jail, Ambala on 10.9.2016.

However, as no material was referred to in the additional reply, on the basis of which, the petitioner was being termed as gangster criminal and also as to why he was transferred from Central Jail, Ambala to District Jail, Karnal, learned State counsel was directed to make available the said material. Pursuant to the same, reply has been filed by Sh. Rajinder Kumar, Deputy Superintendent of Police, Jagadhri (Yamuna Nagar), wherein it is mentioned that in addition to FIR No. 381 dated 10.10.2008, the petitioner had faced trial in nine cases of Haryana, one of Punjab and one of Delhi and in view of the same, the petitioner falls under the category of bad character 'A Class'. Similarly, reply has also been filed by Sh. Jagjit Singh, Inspector General of Prisons, Haryana, stating therein that when

the petitioner was confined in Central Jail Ambala, his conduct was not good. He alongwith some associate prisoners had created a very hostile atmosphere. During his confinement, he alongwith his associates indulged in many illegal activities and habitual of committing jail offences, such as, using of mobile phones, consuming and supplying narcotic substances and many times misbehaving and abusing other prisoners and the jail staff. The jail authorities had warned him many times to stop his unlawful activities but still there was no sign of imprisonment, rather he had become aggressive against the jail staff during the search, lockup and lockout and also pressurized other inmates not to obey the orders of the jail administration. Keeping in view the same, the Superintendent, Central Jail, Ambala vide letter dated 16.8.2016 recommended his transfer and of eighteen others to different jails for safety and security of other prisoners. Copy of the order dated 16.8.2016 has been appended with the reply.

Having heard learned counsel for the parties and keeping in view the provisions of Section 6(1) of the Haryana Good Conduct Prisoners' (Temporary Release) Amendment Act 2012, this Court is of the view that in case the petitioner is released on furlough, he is likely to endanger the security of the State, maintenance of public order and breach of peace. He has

already been put in the category of gangster type criminal and his name registered in category BC(a) of Police Station City Jagadhri. As such, no case is made out for issuance of directions to the respondents to release him on furlough.

The petition is without any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

December 20, 2016
amit rana

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No