

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

**Criminal Writ Petition No.501 of 2016
Date of Decision: April 23, 2016**

Kuldeep

...Petitioner

Versus

State of Haryana & Anr.

...Respondents

**CORAM: HON'BLE MR. JUSTICE S.S.SARON
HON'BLE MR. JUSTICE SHEKHER DHAWAN**

Present: Mr.Sandeep Goyat, Advocate,
for the petitioner.

Mr.Indiresh Goel, Addl.AG, Haryana,
for the State.

S.S.Saron, J.

The present petition has been filed to direct the respondents to consider the application (Annexure P-1) submitted by the petitioner for his temporary release on furlough for a period of three weeks in terms of Section 4 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 (hereinafter referred to as "the Act").

The petitioner is undergoing life imprisonment after his conviction and sentence in case FIR No.366 dated 26.10.2011, registered at Police Station Sadar Hansi, District Hisar for the offences punishable under Sections 302, 323, 452,

506 ,149 IPC.

The petitioner has filed CRA-D-219-DB of 2016 against the judgment of his conviction and order of sentence dated 18.01.2016 and 22.01.2016 respectively passed by learned Additional Sessions Judge, Hisar.

The petitioner claims that he filed an application before the Superintendent, Central Jail, Hisar, for grant of furlough for three weeks so as to harvest his crop and sow his fields but the said application has not been considered.

We have perused the material on record. A perusal of the vernacular of Annexure P-1, which is the application made by the petitioner shows that it is a photocopy of the application stated to be submitted by the petitioner. When the Court asked learned counsel for the petitioner as to how he got a photocopy of the said application from the prisoner who is confined in the jail, he submitted the original application as well. Evidently, therefore, the application (Annexure P-1) has not been submitted and cannot be said to be pending with the Superintendent, Central Jail, Hisar.

The claim of the petitioner is that he is entitled for parole in accordance with the provisions under Section 4 of the Act, inasmuch as, he has undergone continuous imprisonment for a period of three years inclusive of the pre-sentence

detention which is the requirement for grant of furlough in terms of Section 4 of the Act.

Be that as it may, it would be just and expedient that the writ petition is disposed of with a direction that in case the petitioner moves an application to the Superintendent, Central Jail, Hisar (respondent No.2) for his temporary release, the same shall be considered by the competent authority in accordance with law.

The petition is disposed of accordingly

(S. S. Saron)
Judge

23.04.2016
*seema**

(Shekher Dhawan)
Judge