

CRWP No. 958 of 2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRWP No. 958 of 2016

Date of Decision: January 20, 2017

Kuldeep

...Petitioner

Versus

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

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

Mr. Ashok Muthreja, DAG, Haryana.

M.JEYAPPAUL, J.(ORAL)

Petitioner, who was convicted for the offences under Sections 302, 323, 149, 452 and 506 of the Indian Penal Code and sentenced to undergo life imprisonment challenges the order of rejection of the plea for furlough set up by him before the jail authorities.

Heard the submissions made on either side.

There is no dispute to the fact that the petitioner was admitted to jail as an under-trial prisoner on 16.01.2012 and was released on interim bail on 23.02.2014 with a direction to surrender before the jail authorities on 26.02.2014. The petitioner surrendered on the said date as per the terms of the interim bail granted to him.

Section 4 (1) (a) of the Haryana Good Conduct Prisoners

(Temporary Release) Act, 1988, reads as follows:-

“4 (1) (a) has, immediately before the date of his temporary release, undergone continuous imprisonment for a period of three years, inclusive of the persistence detention, if any;”

Interpreting the above provision of law, the Jail Superintendent has rejected the plea of the petitioner for furlough on the ground that he had not undergone continuous imprisonment for three years w.e.f. 26.02.2014 till date.

It is true that the petitioner was apprehended and sent to prison as an under-trial prisoner on 16.01.2012. Inasmuch as he availed the benefit of interim bail on 23.02.2014, the continuity in imprisonment got broken. Therefore, in our considered view, the Superintendent, Central Jail-I, Hisar, has rightly interpreted the above provision of law that three years' continuous imprisonment will have to be counted only from 26.02.2014.

Learned counsel appearing for the writ petitioner brings to the notice of the Court that the writ petitioner completes three years' continuous imprisonment on 26.02.2017.

In view of the above, giving liberty to the petitioner to approach the jail authorities with a necessary application seeking furlough after 26.02.2017, the writ petition stands dismissed as there is no merit therein. If any such petition/application is submitted by the writ petitioner after 26.02.2017 seeking furlough, the same shall be considered

CRWP No. 958 of 2016

by the jail authorities concerned as expeditiously as possible but not beyond a period of four weeks from the date of submission of such petition/application.

(M. JEYAPPAUL)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

January 20, 2017
Harish

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No