

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

208

Criminal Writ Petition No.101 of 2017

Date of Decision: April 21st, 2017

Sanjeev alias Sanju

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Randeep Singh Dhull, Advocate
for the petitioner.

Mr. Ashok Muthreja, Deputy Advocate General, Haryana.

M. JEYAPPAUL, J. (ORAL)

Writ petitioner/convict has filed the present writ petition praying for issuance of writ in the nature of certiorari for quashing the order dated 21.12.2016 (Annexure P-1) passed by the 3rd respondent declining the prayer for furlough submitted by the writ petitioner.

We heard the submissions made on either side.

The reply and the report submitted by the respondents were carefully perused in the light of the impugned order passed by the 3rd respondent.

The 3rd respondent having observed that the writ petitioner might disobey the furlough rule and that if he be released on furlough, there may be law and order issue, chose to dismiss the plea for furlough.

The writ petitioner has sought for furlough to meet his family members.

In the reply, the 3rd respondent has submitted that the wife and the child of the writ petitioner do not live at the address provided by the writ petitioner in the furlough application. Thereupon we sought for a report

from the 3rd respondent, as it was submitted by the learned counsel appearing for the writ petitioner, on instructions, that the wife and child of the writ petitioner were residing only at the address given in the furlough application. In the fresh report submitted by the 3rd respondent, now it has been admitted that the wife and child of the writ petitioner are residing in the address given in the furlough application.

There is no material to show that the writ petitioner ever jumped bail or jumped parole, if any, granted to him. There were no materials referred to by the 3rd respondent to jump to the conclusion that there may be a law and order issue if the writ petitioner is released on furlough.

For all these reasons, we find that the 3rd respondent has passed the impugned order without referring to any material to substantiate his decision. Therefore, the impugned order is set aside and the writ petitioner is ordered to be released on furlough on 01.05.2017 at 10:00 AM for three weeks to the satisfaction of District Magistrate, Rohtak. The writ petitioner shall surrender before the Jail Authorities, Rohtak, on 22.05.2017 at 10:00 AM.

Writ petition stands disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

April 21st, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No