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

CRWP No.158 of 2017

Date of Decision: 29.03.2017

DINESH KUMAR

.....Petitioner

Vs

STATE OF HARYANA & ORS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Bhupinder Malik, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Reply by way of affidavit of Deepak Sharma,
Superintendent, District Jail, Faridabad on behalf of respondent
Nos.1 to 3 is filed. The same is taken on record.

Petitioner has assailed the order dated 20.09.2016
(Annexure P-2) vide which his application for furlough for two
weeks was rejected by respondent No.1.

Sole ground of the petitioner is that while rejecting the
application for furlough, the Commissioner, Gurgaon Division,
Gurgaon has not adhered to Section 6 of Haryana Good
Conduct Prisoner (Temporary Release) Act, 1988 (for short 'the

Act').

The District Magistrate, Sonapat vide recommendation dated 05.09.2016 has submitted that the petitioner/prisoner has already availed parole/furlough on ten previous occasions. Last time parole was granted to the petitioner from 20.10.2015 to 02.12.2015 for a period of six weeks. No adverse report was received against the conduct of the petitioner/prisoner while on parole/furlough.

Having considered the controversy, I am of the view that the order dated 20.09.2016 is totally silent about the grounds for rejecting the parole in terms of Section 6 of the Act.

In view of above, I deem it appropriate to remand the case to the Commissioner, Gurgaon Division to pass fresh and speaking order in accordance with law, preferably within a period of one month from the date of receipt of certified copy of this order.

Petition stands disposed of accordingly.

March 29, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No