

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13187 of 2018
Date of Decision:05.07.2018

Rinku

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Sushil Gautam, Advocate, for the petitioner.

Mr.Hitesh Pandit, Addl.A.G.Haryana.

RITU BAHRI, J. (ORAL)

The petitioner has come up in writ petition for issuance of a writ especially in the nature of Mandamus directing the respondent No.2 to release the petitioner on furlough for a period of 3 weeks in view of Section 4(1)(a) of the Haryana Good Conduct Prisoners, Temporary Release Act, 1988.

The petitioner has been convicted vide order dated 28.09.2017 in an FIR No.2 dated 01.01.2014 for the offence under Sections 120B, 148, 149, 323, 342, 302, 506 IPC and 25, 54, 59 of the Arms Act, registered at P.S.Samalkha, District Panipat and sentenced for life imprisonment. The Criminal Appeal No.CRA-D-1038-DB of 2017 titled Pankaj and Others Vs. State of Haryana is pending adjudication before this Court. The petitioner has already undergone more than 3 years imprisonment. The petitioner has applied for furlough to the Jail Superintendent vide application Annexure P-1. It is further submitted that one of the co-accused in the similar FIR has already been granted furlough and after completion of furlough, they returned back to the jail. Copy of the co-accused showing that after completing three weeks furlough they returned to the jail dated 11.04.2018 has been attached with the present writ petition as Annexure P-2. The Panchayat has recommended and stated vide its report Annexure P-3 that there is no threat of breach of peace of village Hathwala or any other

accident if Rinku is released on parole/furlough.

On notice, reply has been filed by State stating therein that District Magistrate, Panipat, has submitted his report/recommendation vide his office letter number 319-20/PB dated 16.02.2018.

After hearing counsel for the parties, recommendation made vide Annexure P-2 by Panchayat is not in dispute as well as parole granted to other co-accused in the similar case is not in dispute. Keeping in view the above facts, the present writ petition is allowed by giving directions to the respondent/authorities to release the petitioner on furlough for a period of 3 weeks in view of Section 4(1)(a) of the Haryana Good Conduct Prisoners, Temporary Release Act, 1988.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

05.07.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No