

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.17286 of 2018

Date of Decision: 17.09.2018

Mehtab @ Badal

.....Petitioner

Versus

State of Haryana & others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

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

Ms. Safia Gupta, AAG, Haryana.

RAKESH KUMAR JAIN J.(ORAL)

This petition is directed against the order passed by the Commissioner, Karnal Division, Karnal dated 10.05.2018 by which application filed by the petitioner for seeking furlough has been declined only on the ground that if the petitioner is released on furlough then there would be a danger to the public order.

In brief, the petitioner has applied for furlough under Section 4 (1) (a) of the Haryana Good Conduct Prisoners (Temporary Release) Act 1988 (for short 'the Act). The petitioner is presently confined in District Jail Karnal, in a case registered vide FIR No.50 dated 21.01.2014 under Sections 302 of IPC at Police Station Model Town, Panipat, District Panipat.

Learned counsel for the petitioner has submitted that no material has been given on the basis of which the police has made the recommendation that in case the petitioner is given furlough then there would be a danger to the public order. It is further submitted that there is no allegations of mis-conduct about the petitioner by the jail authorities.

Learned counsel for the respondents has vehemently opposed the prayer made by the counsel for the petitioner.

I have heard learned counsel for the parties and found that learned counsel for the respondents has failed to show any material even from the written statement to suggest as to how the petitioner would be a danger to the public order, if released on furlough.

Thus, in my considered opinion, the prayer made by the petitioner is meritorious. Therefore, the writ petition is hereby allowed and a direction is issued to release the petitioner on furlough for three weeks after furnishing bail bonds to the District Magistrate Karnal, who would impose appropriate conditions in the order of bail for seeking surrender of the petitioner on time after completing the period of furlough.

(RAKESH KUMAR JAIN)
JUDGE

September 17, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No