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

CWP No.19426 of 2018

Date of decision:October 15, 2018

Surjeet

...Petitioner

Versus

State of Haryana and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sandeep Singh Jattan, Advocate,
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

Rakesh Kumar Jain, J.

The petitioner is aggrieved against the order dated 10.07.2018 passed by the Commissioner, Karnal Division, Karnal, by which his application for grant of furlough for a period of 3 weeks for treatment of his wife and to meet his family members including his minor daughter and old aged parents has been declined.

The allegation against the petitioner is that there are two other cases pending against him which were registered vide FIR No.414 dated 05.11.2012, under Sections 323, 325, 506, 34 IPC at Police Station Matlauda and FIR No.205 dated 23.06.2013, under Sections 323, 332, 353, 325, 186 IPC at Police Station Matlauda. The Divisional Commissioner has rejected the application of the petitioner in terms of Section 6 of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988.

Counsel for the petitioner has relied upon two Division Bench

decisions of this Court rendered in the cases of **Bansi Lal vs. State of Punjab and others**, 2016(4) R.C.R. (Criminal) 1017 and **Ram Chander vs. State of Punjab and others**, CRWP No.554 of 2016, decided on 06.03.2017 to contend that the petitioner cannot be denied the benefit of parole on the probability that he can commit a crime in case of his release on parole.

After hearing counsel for the parties and examining the available record, I am of the considered opinion that the petitioner deserves the concession of furlough for treatment of his wife and to meet his family members including his minor daughter and old aged parents.

Consequently, the present petition is hereby allowed, impugned order dated 10.07.2018 is set aside and the respondents are directed to release the petitioner on furlough for a period of three weeks on his furnishing adequate surety bonds to the satisfaction of the District Magistrate concerned in order to ensure his surrender before the Jail Authorities after completion of the period of furlough.

October 15, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No