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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/10/2018 10:16
I attest to the accuracy and
authenticity of this document

CWP-21295-2018 (O/M)
Date of decision : 31.10.2018

Gurmit alias Nitu Petitioner (s)

Versus

State of Haryana and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. Sandeep Vashisht, DAG Haryana.

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KULDIP SINGH, J. (ORAL)

Petitioner was convicted for life imprisonment in FIR No. 301, dated 20.6.2003, under Sections 302, 307, 34, 120-B IPC and under Section 25 of Arms Act, 1959, registered at Police Station Civil Line, Rohtak, vide judgment of conviction dated 12.3.2007 and order of sentence dated 13.3.2007, passed by trial Court. By way of invoking jurisdiction of this Court under Article 226 of Constitution of India, petitioner seeks setting aside of order dated 3.8.2018 (Annexure-P-1), passed by Commissioner, Karnal Division, Karnal (respondent No. 2 herein), vide which his furlough for two weeks in view of Section 4 (1) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, to meet his mother, has been rejected.

Heard.

The State, in the reply, has opposed the prayer on the ground of pendency of three FIRs registered against petitioner, first of year 2009 is under Sections 8/9 of Parole Act, second of year 2014 is under Section 25 of Arms Act, 1959, and third of the year 2014 is under Section 174-A IPC. In case under Sections 8/9 of Parole Act, petitioner has been acquitted of

the charges framed against him, whereas in cases under Section 174A IPC and under Section 25 of Arms Act, 1959, he has been sentenced to the period already undergone. The State has also taken the objection to petitioner remained parole absconder for total period of 4 years, 10 months and 29 days after year 2009. However, at the same time, the State has not denied that petitioner was granted three weeks parole from 5.5.2008 to 27.5.2008, four weeks parole from 21.4.2017 to 20.5.2017, and two weeks parole from 13.12.2017 to 28.12.2017. During the parole period, it is not alleged that he misused concession of parole or there was any adverse report against him. It being so, the old cases cannot be cited to deny the parole this time. In the impugned order, it is stated that petitioner wants to meet his mother. However, the mere fact that he can meet his mother in jail is no ground to deny him parole.

I am of the view that it is not good reason as meeting with mother at home in homely atmosphere is different thing. It being so, impugned order dated 3.8.2018 (Annexure-P-1), passed by respondent No. 2, is quashed and respondents are directed to release petitioner on furlough for two weeks under Section 4(1) (a) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988, against adequate surety to their satisfaction.

Petition is allowed.

(KULDIP SINGH)
JUDGE

31.10.2018
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No