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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23384-2018 (O&M)
Date of decision : 12.11.2018

Narender @ Chhotu

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr Prateek Rathee, Advocate for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

Petitioner seeks furlough for a period of two weeks under Section 4(1) (2) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 for the purpose of enabling the petitioner to retain family and social ties and avoid ill effects of continuous prison life.

In the reply, State at the first instance, has denied that no such application has been filed before the concerned authority. Secondly, they have taken the plea that petitioner was tried and acquitted in 08 cases. Further plea is that he surrendered with a delay of 13 days in the year 2015 when he was released on parole. In the said case, he was acquitted. Another plea is that petitioner quarreled with his co-accused for which he was confined in District Jail Rohtak and awarded the punishment of confinement in security ward.

I am of the view that since petitioner has been acquitted in other criminal cases, therefore, it cannot be taken as the ground to deny the furlough. Secondly, he has been acquitted in the case regarding overstay of parole in 2015. Otherwise also after one year he became eligible for fresh furlough. For quarreling with the co-accused in the year 2015, he was already awarded the punishment of confinement in security ward and same cannot also be taken into consideration.

Considering the above facts, petitioner is directed to file application before the Superintendent of Jail as early as possible. The application, if so filed, will be processed within four days and forwarded to the Commissioner, Rohtak who shall take decision on such application within two weeks from the date of receipt of such application.

Disposed of.

(KULDIP SINGH)
JUDGE

12.11.2018

preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No