

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

CWP-25193-2018

Date of Decision:16.11.2018

Manjeet

... Petitioner

Vs.

The State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. Sandeep Vashisth, D.A.G. Haryana.

KULDIP SINGH, J. (Oral)

Impugned in the present petition is order dated 20.07.2018 (Annexure P-1) passed by the Commissioner, Karnal Division, District Karnal vide which application of the petitioner for granting furlough for two weeks in view of Section 4(1)(A) of the Haryana Good Conduct Prisoners, Temporary Release Act, 1988 was declined.

Impugned order declining the application of the petitioner for furlough has been passed on the ground that petitioner has been undergoing imprisonment in case of murder and if petitioner is released on furlough then possibility of his absconding cannot be ruled out.

In the reply filed by the State in Court today, State has taken a plea that earlier when the petitioner was released on parole for four weeks on 19.03.2010 and was directed to surrender on 17.04.2010, he surrendered late by five days and he was given "Stern Warning". Further he absconded on parole from 7.4.2012 to 26.02.2014 and a case FIR has been registered. He was convicted and sentenced to the period already undergone by him vide judgment dated 22.07.2015 by the Court of learned Judicial Magistrate Ist Class, Sonipat.

Learned counsel for the petitioner has referred to para-5 of the

petition to say that petitioner was released on parole for about six times between 2016 to 2018, he never misused the parole and he surrendered within time. Details of parole availed by the petitioner is reproduced as under:

Sr. No.	Period	Days	Purpose
I)	26.04.16 to 08.06.16"	42 days	Agriculture purpose
II)	11.08.16 to 09.09.16	28 days	House Repair
III)	17.03.17 to 29.04.17	42 days	Agriculture purpose
IV)	14.07.17 to 12.08.17`	28 days	Admission purpose
V)	31.10.17 to 15.11.17	14 days	Furlough Parole
VI)	Jul 18 to 30.08.2018	42 days	Agriculture Parole"

If it being so, apprehension of the State that petitioner will abscond is neither justified nor his previous absconding from parole in the year 2014 cannot be a ground to decline fresh parole to which he is otherwise entitled.

Accordingly, impugned order dated 20.07.2018 (Annexure P-1) passed by the Commissioner, Karnal Division, District Karnal is set aside and petitioner is ordered to be released on parole for a period of two weeks to the satisfaction of District Magistrate, Sonapat.

Petition is, accordingly, allowed.

16.11.2018
rajeev

(Kuldip Singh)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**