

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

**CWP- 26036-2018 (O&M)  
Date of decision: 15.11.2018**

**Vikas @ Bittu**

**.....Petitioner**

**versus**

**State of Haryana and others**

**.....Respondents**

**CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Susheel Gautam, Advocate for the petitioner  
Mr.Ramesh Kumar Ambavta, AAG Haryana

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

**Kuldip Singh, J. (Oral)**

Reply by way of affidavit of Superintendent of Prison, District Prison, Karnal on behalf of respondent nos.1 to 5 filed in Court is taken on record.

Heard.

Petitioner has invoked the writ jurisdiction of this Court under Articles 226/227 of Constitution of India for setting aside the impugned order dated 24.9.2018 (Annexure P1) passed by Commissioner, Karnal Division, Karnal, vide which, prayer of the petitioner for furlough for three weeks' under Section 4(1)(a) of Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 has been declined on the ground that he has committed murder of former Sarpanch Hari Parkash and that if he is released on furlough, there is possibility of breach of peace in the village.

Petitioner is otherwise entitled to furlough.

After going through the impugned order, I am of the view that it is mere apprehension of the Commissioner that the peace of the village will be disturbed. For this reason, furlough cannot be declined. Appropriate conditions can be imposed while granting furlough to ensure that the peace in the village is not disturbed.

In these circumstances, impugned order dated 24.9.2018 (Annexure P1) passed by Commissioner, Karnal Division, Karnal is set aside. The petitioner is ordered to be released on furlough for a period of three weeks' on furnishing surety bonds to the satisfaction of District Magistrate concerned subject to the condition that the petitioner will not go within 250 yards of house of deceased Hari Parkash, former Sarpanch.

Writ petition is allowed accordingly.

**15.11.2018**  
*gk*

**(Kuldip Singh)**  
**Judge**

Whether speaking/ reasoned:  
Whether Reportable:

Yes  
No