

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 2655 -2018 (O&M)
Date of decision: 10.12.2018

Govind Sharma

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Surinder Jaipal, Advocate for
Mr.Arjun Sheoran, Advocate for the petitioner
Mr.Sandeep Vashisht, DAG 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)

Petitioner seeks quashing of impugned order dated 29.9.2017 (Annexure P3), passed by respondent no.3 i.e. Superintendent Jail, District Jail, Yamuna Nagar, whereby furlough was declined to him.

Heard.

Perusal of the interim order shows that previously, the petitioner was released on 3 weeks' furlough on 5.12.2014. He did not surrender on the due date and remained absconded from furlough for 8 months 9 days. He has not completed 5 years imprisonment after his conviction, including maximum two years as under trial in the said case.

Further, in the reply, State has taken a stand that the petitioner was involved in several cases. List of about 11 cases has been given, out of which, he has been convicted in one case, two cases are pending whereas in remaining eight cases, he has been acquitted. It is further stated that while

the petitioner was on furlough, an FIR No.232 dated 25.8.2015 under Sections 398, 401, 307 IPC and 25 of Arms Act was registered at Police Station Chandimandir. The said case is pending trial.

In this way, while on furlough, the petitioner has committed crime. Therefore, he is declared hard core prisoner. It is further pleaded under Section 5(A)(2) of Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2015, a hard core prisoner cannot be released unless he has completed 5 years imprisonment.

It being so, there is no illegality or infirmity in the impugned order dated 29.9.2017 (Annexure P3), passed by respondent no.3 i.e. Superintendent Jail, District Jail, Yamuna Nagar, refusing to release the petitioner on furlough.

The present petition is dismissed accordingly.

10.12.2018*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No