

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

CWP No.9079 of 2018(O&M)
Date of Decision:30.7.2018

Ravinder Kumar
(Confined in District Jail, Faridabad)

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.R.S.Dhull, Advocate for the petitioner

Ms.Shruti Jain Goyal, DAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

This writ petition has been filed for grant of furlough for four weeks to meet his family members. The petitioner is serving sentence in District Jail, Faridabad. He has already availed the benefit of parole/furlough 3-4 times while incarcerated in jail and after the expiry of the period of parole/furlough, the petitioner had surrendered before by the jail authorities. The short term releases were without court intervention.

The petitioner is serving out his sentence of life imprisonment awarded vide judgment dated 3.2.2014/10.2.2014 passed by the learned Additional Sessions Judge, Yamuna Nagar and his appeal against conviction is pending adjudication before this Court in CR.A. 580- DB of 2014. The petitioner has been in jail as an under trial and as a prisoner for many years. The petitioner has applied for furlough to meet the members of the family since he has not met them for many years.

The reason presently for denial of furlough to the petitioner is that he was found in possession of mobile phone in jail and for this

reason, FIR No.568 dated 14.11.2013 under Section 42 of the Prisoner Act was registered against him. However, he was acquitted of that offence by the trial court at Yamuna Nagar, Jagadhri. He cannot thus be described as a hard core prisoner.

Looking to the history of surrender by the petitioner after grant of parole/furlough in the past, it does not appear that he will be any threat to society or to the State in case his application for furlough is allowed. It will always be open to the State authorities to keep vigil on the conduct/activities of the petitioner during furlough for maintaining good behaviour. The petitioner shall not involve himself in any crime or misdemeanour while on furlough.

In view of the above, this petition is allowed and the petitioner, on his furnishing personal bond and surety to the satisfaction of the District Magistrate/competent authority, District Sonapat shall be released on furlough for a period of four weeks to be counted from the date of his release. On the date fixed the petitioner will surrender at the jail gate.

30.7.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No