

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.9438 of 2018

Date of Decision: 04.10.2018

Krishan

.....Petitioner

Versus

State of Haryana & another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. A.S. Sheoran, Advocate for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

RAKESH KUMAR JAIN J.(ORAL)

This petition is directed against the order passed by the Commissioner, Rohtak Division, dated 16.03.2018 by which application filed by the petitioner for seeking furlough has been declined only on the ground that if the petitioner is released on furlough then there would be possibility of absconding.

In brief, the petitioner is seeking quashing of order dated 16.03.2018 (Annexure P-1) under Section 3 (1) (b) of the Haryana Good Conduct Prisoners (Temporary Release) Act 1988 (for short 'the Act). The petitioner is presently confined in District Jail, Bhiwani, in a case registered vide FIR No.121 dated 22.03.2008 under Sections 302, 307, 147 and 148 of IPC at Police Station Sadar, Bhiwani.

Learned counsel for the petitioner has submitted that earlier the petitioner has availed 11 parole and 07 furlough but nothing untoward has ever happened.

Thus, in my considered opinion, the prayer made by the petitioner

is meritorious. As such impugned order passed by the Commissioner, Rohtak is hereby set aside, the writ petition is hereby allowed and a direction is issued to release the petitioner on furlough for two weeks to meet his family members after furnishing bail bonds to the District Magistrate Bhiwani/Dadri, who would impose appropriate conditions in the order of bail for seeking surrender of the petitioner on time after completing the period of furlough.

(RAKESH KUMAR JAIN)
JUDGE

October 04, 2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No