

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

**CWP-3165-2019 (O&M)
Date of decision : 4.7.2019**

Ram Parkash @ 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. Tarun Sharma, AAG, Haryana.

KULDIP SINGH, J.

Heard.

Petitioner, who is undergoing life imprisonment in a murder case after being convicted by learned Additional Sessions Judge, Sonapat on 15.3.2018, had applied for furlough before the Superintendent, District Jail, Karnal. The Commissioner, Karnal Division, District Karnal vide its order dated 29.11.2018 (Annexure P-1), declined the prayer for parole on the ground that prisoner is unmarried and there is possibility of his absconding. Further the prisoner has nine members in the family and that his release on furlough may create tense atmosphere in the village.

State in its reply filed on 19.2.2019 has supported the order passed by the Commissioner, Karnal Division, District Karnal dated 29.11.2018 (Annexure P-1). It is also mentioned that in another FIR under the Arms Act, petitioner has been acquitted.

The Commissioner, Karnal Division, District Karnal in the order dated 29.11.2018 (Annexure P-1) has taken two grounds to decline the furlough. First that the prisoner is unmarried and there is a possibility of his absconding. His age is 24 years. Second is that his release on furlough may create tense atmosphere in the village. It is neither alleged in the reply nor in the impugned order dated 29.11.2018 (Annexure P-1) that the petitioner is otherwise not entitled to furlough.

I am of the view that there is nothing on file to show that the conduct of the prisoner in the jail was such that is likely to commit any offence while on furlough. The ground that release of the petitioner may create tense atmosphere in village is merely an apprehension, without any material on file. The mere fact that the petitioner is unmarried does not mean that he will abscond.

It being so, the impugned order dated 29.11.2018 (Annexure P-1), passed by the Commissioner, Karnal Division, District Karnal is not sustainable in the eyes of law and is hereby quashed. State is always at liberty to put appropriate conditions to ensure that the petitioner does not misuse the concession of furlough.

Accordingly, present petition is allowed and the petitioner is ordered to be released on furlough subject to furnishing of adequate surety before the District Magistrate concerned and subject to such conditions as may be imposed by the District Magistrate, concerned.

(KULDIP SINGH)
JUDGE

4.7.2019
preeti