

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 4046 -2019(O&M)

Date of decision: 03.07.2019

Kuldeep alias Paddi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sanjeev Majra, Advocate for the petitioner
Mr.Tanuj Sharma, 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)

Petitioner has challenged the order dated 17.12.2018 (Annexure P-1), passed by the Commissioner Rohtak Division, Rohtak, vide which, prayer of the petitioner for furlough was declined.

Petitioner was convicted and sentenced in a murder case by learned Additional Sessions Judge, Bhiwani on 1.10.2010 and sentenced to imprisonment for life in addition to fine. He applied for furlough for two weeks to meet his family members, which was declined by the Commissioner. It is stated that the Superintendent of Police did not recommend his case. The District Magistrate disagreed with the report of the Superintendent of Police and recommended his case. However, the Commissioner of the Division agreed with the report of Superintendent of Police.

I have heard learned counsel for the parties and have also

Carefully gone through the file.

Learned State counsel has filed reply in Court. The same is taken on record.

Perusal of the reply shows that the petitioner has already undergone sentence in two cases, which appears to be of minor nature as the sentence is for the period already undergone by him. In other four cases, he has been acquitted. At present no case is pending against him. In reply, State has given details of the parole/ furlough already availed by him, which are as under:-

(i)	9.4.2012 to 8.5.2012	4 weeks house repair parole
(ii)	29.1.2016 to 20.2.2016	3 weeks furlough to meet his family members
(iii)	10.10.2016 to 8.11.2016	4 weeks house repair parole
(iv)	12.5.2017 to 10.6.2017	4 weeks parole for admission of children
(v)	16.10.2017 to 31.10.2017	2 weeks furlough to meet his family members
(vi)	1.3.2018 to 16.3.2018	2 weeks emergency parole to perform the last rites of deceased mother

It is not alleged in the reply that while availing parole and furlough, as mentioned above, the petitioner created any law and order problem. Furlough of the petitioner has been declined only on the ground that he can commit another crime and there is apprehension of breach of peace in the village. While availing parole and furlough on six occasions, the petitioner is neither alleged to have committed any offence nor disturbed peace in the village. Therefore, apprehension of the authorities is without any basis. It is not alleged that after availing the last parole, he committed any offence. It is also not alleged that in the jail his conduct is not satisfactory.

It being so, the impugned order dated 17.12.2018 (Annexure P-1) is not sustainable in the eyes of law and the same is hereby quashed. The petitioner is ordered to be released on furlough for two weeks on furnishing

adequate surety to the satisfaction of District Magistrate concerned.

The petition is accordingly allowed.

03.07.2019
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No