

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4144-2019

Date of Decision:29.08.2019

Sahab Singh

....petitioner

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr.Parmod Chauhan, Advocate
for the petitioner

Mr.Saurabh Mohunta, DAG Haryana

RAJIV NARAIN RAINA, J. (ORAL):

1. Through this petition, the petitioner has sought a writ in the nature of certiorari for quashing the order dated 23.01.2019 (P-1) passed by respondent No.2 whereby benefit of furlough to the petitioner has been denied so also it is prayed that a writ of mandamus be issued directing the respondents/State to grant the benefit of furlough to the petitioner for a period of three weeks to meet his family members.

2. The petitioner was convicted and sentenced to undergo rigorous imprisonment for life under Sections 302/323/34 IPC in case FIR No.47 dated 10.02.2015 registered at Police Station, Sampla, District Rohtak.

3. Learned counsel for the petitioner submits that the petitioner is in custody for more than 04 years. He further submits that it is the first prayer of the petitioner for furlough.

4. On the other hand, learned State counsel while opposing the

prayer made by the learned counsel for the petitioner argues that since the petitioner has committed a heinous crime of murder, therefore, benefit of parole should not be granted to him.

5. Perusal of the impugned order shows that the application of the petitioner has been rejected on the ground that the petitioner was involved in heinous crime and he may violate the terms of parole and disturb the peace of area in case of temporary release. In reply also the grounds for rejection of request of the petitioner have been reiterated.

6. Having heard learned counsel for the parties, I am of the view that this is not a case in which parole should be denied to the petitioner. The only ground taken is that the petitioner is involved in a heinous crime and he may abscond. The likelihood of absconding while on parole would not be a sufficient ground to decline temporary release on parole as mere likelihood of committing crime is not to be taken as apprehension of a threat to the security of the State or the maintenance of public order. Furthermore, it is the first prayer for furlough made by the petitioner.

7. In view of the above, the petition is allowed. The impugned order dated 23.01.2019 (P-1) is quashed. The petitioner is ordered to be granted furlough for three weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such reasonable conditions as are required to secure the presence of the petitioner in jail after the period of parole, is over and done with.

29.08.2019

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes
Yes/No