

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 12.09.2019****CWP No.21625 of 2019**

Anil

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Prateek Rathee, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

1. This petition has been filed challenging the order dated 13.07.2019 passed by the Commissioner, Rohtak Division, Rohtak by which request of the petitioner for temporary release on furlough to meet his parents was declined.

2. The petitioner is undergoing life imprisonment under Section 302/307/120-B/149 IPC and Section 25 of the Arms Act in case FIR No.215 dated 22.06.2010, registered at Police Station City Bahadurgarh pursuant to the judgment of conviction and order of sentenced rendered by the Additional Sessions Judge, Jhajjar.

3. Reply on behalf of respondents No.1 to 3 has been filed in Court today and the same is taken on record. Learned Law Officer on the basis of reply filed submits that the petitioner is a habitual offender and except the present case, there are five other cases registered against him, details of which are given in para 2 of the reply.

4. Having heard learned counsel for the parties and after going through the case file carefully, I am of the view that State in its reply does not say that the petitioner is a hardcore prisoner. No doubt, no person is entitled to be released

under the Act and the release of a prisoner on parole/furlough can be declined in case his release on parole is likely to endanger the security of the State or the maintenance of public order. To allay the apprehension, adequate conditions can be imposed on him and his conduct can be kept under watch in case parole is granted. However, no such eventuality has been mentioned neither in the reply nor in the arguments raised by learned State counsel. The observation recorded in the impugned order for not releasing the petitioner on parole is merely that many criminal cases were registered against him, but as per reply filed by way of affidavit of Shamsher Singh Dahiya, Superintendent of Jail, Central Jail-1, Hisar, in two cases, the petitioner has undergone the sentence, while in three cases he stands acquitted. It has not been reported that the conduct of the petitioner in jail is not satisfactory and his reports in the jail are not good. Besides, the petitioner has never availed any type of parole/furlough till date.

5. In view thereof, the petition is allowed and the impugned order dated 13.07.2019 is set aside. Petitioner is ordered to be released on furlough for three weeks from the date of release to the satisfaction of the District Magistrate concerned, who is further directed to impose such conditions as may be required in the Jail Manual toward the ends of securing the presence of the petitioner in jail after the period of parole is over and done with and the temporary release is not misused.

12.09.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*