

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

**CWP-26125-2018 (O&M)
Date of decision : 9.4.2019**

Azad @ Khardu

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

KULDIP SINGH, J.

Impugned in the present writ petition is the order dated 9.8.2018 (Annexure P-1) passed by respondent No. 5-Commissioner, Rohtak Range, Rohtak vide which prayer of the petitioner for release on furlough has been declined.

State has filed the reply opposing the prayer made by the petitioner.

Heard.

A perusal of the impugned order shows that petitioner is undergoing life imprisonment in a murder case pertaining to FIR No. 38/3006 under Sections 302, 34 of the Indian Penal Code. As per the report of the Superintendent Jail, Charkhi Dadri, furlough was recommended stating that he is entitled to concession of furlough under the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988. However, the Deputy

Commissioner, Charkhi Dadri on the basis of the report of the police took the view that there are chances that the petitioner may abscond and there are chances of breach of peace in village. Convict is a habitual offender.

Reference has been made to two FIRs i.e. FIR No. 193/1996 under Sections 148/149/307 of the IPC and FIR No. 12/1999 under Sections 148/149/323/325 of the IPC, registered at P.S. City Dadri.

It is alleged that after the year 2006, petitioner has not committed any crime. The claim in the reply as well as in the impugned order dated 9.8.2018 (Annexure P-1) that there are chances of breach of peace or absence of the petitioner are without any basis or material. The statement that he is habitual offender is also not supported by the record as in the last 13 years, petitioner is stated to have not committed any offence while he has earlier availed parole on earlier occasion.

It being so, present writ petition is allowed and the impugned order dated 9.8.2018 (Annexure P-1) passed by respondent No. 5-Commissioner, Rohtak Range, Rohtak is set aside. Petitioner is ordered to be released on furlough on furnishing adequate surety to the satisfaction of District Magistrate concerned after the Code of Conduct is over.

Disposed of.

(KULDIP SINGH)
JUDGE

9.4.2019
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Whether speaking / reasoned
Whether Reportable:

Yes
No